



**MINUTES of
PLANNING AND LICENSING COMMITTEE
5 JUNE 2018**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	B S Beale MBE, A S Fluker, M R Pearlman, R Pratt, CC, S J Savage and Mrs M E Thompson
Substitute Member	Councillor E L Bamford

118. CHAIRMAN'S NOTICES

The Chairman welcomed all to the first meeting of the municipal year. She introduced Mr Graham Thomas, Head of Planning and Development at Essex County Council who was attending the meeting in his role as Chairman of the Essex Planning Officers Association and in relation to Agenda Item 6 – Essex Coastal Recreational Avoidance and Mitigation Strategy Update.

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

119. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillor M F L Durham CC. In accordance with notice duly given it was noted that Councillor E L Bamford was attending as a substitute for Councillor Durham.

120. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 April 2018 be received.

Minute 1003 – Disclosure of Interest

Councillor Mrs P A Channer advised that in respect of her declaration she was appointed to the River Blackwater Coastal Community Team by Maldon District Council in her capacity of Chairman of this Committee and not Essex County Council as detailed in the Minutes.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 April 2018 be confirmed.

121. DISCLOSURE OF INTEREST

Councillor R Pratt declared a non-pecuniary interest as a Member of Essex County Council and in any item of business that was pertinent to that Authority.

Councillor A S Fluker congratulated the Chairman on her reappointment and declared in the interest of openness and transparency that in relation to Agenda Item 19 – Preferred Site Options for Maldon Enterprise Centre he knew some of the owners of the identified sites.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council and any item of business that was pertinent to that Authority and commented that the County Council were referenced in a number of reports. She also declared a non-pecuniary interest in Agenda Item 19 – Preferred Site Options for Maldon Enterprise Centre as she knew some of the owners of the identified sites.

122. PUBLIC PARTICIPATION

No requests had been received.

123. ESSEX COASTAL RECREATIONAL AVOIDANCE AND MITIGATION STRATEGY (RAMS) UPDATE

The Committee received the report of the Director of Planning and Regulatory Services providing an update on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) and seeking Members' views on matters which may affect future planning policies and procedures.

The report provided background information regarding the RAMS which was a joint initiative between 11 Essex authorities to identify the recreational impacts new homes would have on the international and nationally protected sites along the Essex Coast. These sites were set out within the report.

Members noted the progress to date, as outlined in the report, and Appendix 1 to the report set out the revised timetable and identified key milestones. The project was moving towards the end of the evidence gathering stage with second stakeholder workshops due to take place. The outputs from the first stakeholder workshops were set out in Appendix 2 to the report.

Following a request at the last meeting of this Committee for a Members' Forum to ensure Members from participating authorities had the opportunity to engage in the RAMS process. The draft Terms of Reference and governance structure for this Forum were attached as Appendix 3 to the report.

The Chairman welcomed Mr Graham Thomas, in his capacity as the Chairman of the Essex Planning Officers Association, who were sponsoring the RAMS project.

Members raised a number of points which are detailed below along with additional information provided by Officers:

- The information detailed in Appendix 2 to the report was the notes of stakeholder workshops and not Officer proposals. The Director of Planning and Regulatory Services agreed to feed back to the Steering Group that there was a need to ensure that any such notes were accurate.
- Clarification was sought on the 'spreading room' referred to in the appendix.
- Reference was made to whether Northey Island would be included in the National England changes to pathways.
- Osea Island – although there was public access to the island below the high water mark it was felt that the shingle above the high water mark could be a very important nesting site for wild birds.
- It was commented that it would be beneficial to receive a summary of the information in respect of the Blackwater Estuary summer and winter surveys.
- Summer Survey – Concern was raised that the survey points were some distance from critical disturbance points.
- Members' Forum – It was questioned who the decision making body would be in respect of this.
- Further questions were raised regarding approval of mitigation measures, how monies were to be spent and the process for collecting and spending in other authorities. In response the Chairman advised that she understood the decision making process would come back to this Authority and any Supplementary Planning Document (SPD) would have to be agreed by the Council. Mr Thomas informed Members that in respect of the decision process the SPD (one document owned across the 11 Local Authorities) would respond to the draft Strategy and the proposed Member Forum would assist in this process.
- It was noted that the date relating to the drafting of the RAMS mitigation as detailed in the report should refer to 21 June 2018.
- In response to a question regarding the options regarding mitigation, habitat creation etc., Mr Thomas advised that this would come about as the technical work progressed and that locations would be variable in terms of mitigation packages.

The Chairman thanked Mr Thomas for attending the meeting.

RESOLVED

- (i) that the Recreational Avoidance and Mitigation Strategy (RAMS) update outlined in the report be noted;
- (ii) that the comments raised by the Committee are noted and taken forward by Officers, where appropriate.

124. REVIEW OF PERFORMANCE 2017 / 18

The Committee considered the report of the Director of Planning and Regulatory Services giving details of performance against targets set for 2017 / 18 and to ensure that progress was being achieved towards the corporate goals and objectives detailed in the Corporate Plan 2015 / 19 adopted by the Council.

The Key corporate activities assessed as being “behind schedule” or “at risk of not being achieved” along with indicators which had not achieved their end of year target were set out in Appendix 1 to the report. A summary of the complaints and compliments received during 2017 / 18 were set out in the report.

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

- Complaints received – It was noted that of the complaints received 50 related directly to a single application. Members requested that they be provided with details of the complaints received. The Director of Planning and Regulatory Services agreed to provide this information.
- Planning application acknowledgements - In response to a question the Director of Planning and Regulatory Services outlined work being undertaken to address and meet targets in respect of acknowledging planning application.
- Empty Home return to use – It was noted that the reporting methodology would be change for the forthcoming year.
- Validation of planning applications - Members were advised that validation of planning applications were carried out in two stages, the first, acknowledgement of the application, by Planning administrative Officers and then the validation by Planning Officers.

RESOLVED that performance against the targets set for 2017 / 18 be noted.

125. UPDATE ON APPEAL DECISIONS (OCTOBER 2017 - MARCH 2018)

The Committee received the report of the Director of Planning and Regulatory Services informing Members of planning appeal performance on appeal decisions from October 2017 to March 2018.

It was noted that the Council’s performance at appeal was relatively consistent but the last six months had seen a continued increase. It was considered that the adoption of the Local Development Plan put the Council in a stronger position when defending appeals.

The Director of Planning and Regulatory Services drew Members’ attention to the Council’s performance against the government target and how there had been a significant reduction.

In response to a question regarding planning decisions made under delegated powers, the Director of Planning and Regulatory Services advised that some benchmarking was required against other Local Authorities to look at what further actions could be adopted to reduce the number of overturned appeals. The Director agreed to provide Members with details of the applications decided under delegate powers.

RESOLVED that the contents of the report be noted.

126. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

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

The Chairman proposed and it was agreed that the Recreational Avoidance and Mitigation Strategy Member Forum be added to the list and that Councillor A K M St. Joseph be appointed as the Council's representative.

RESOLVED that the appointments to the following bodies for the municipal year 2018 / 19 be agreed:

Body	2018 / 19 Representative(s)
Blackwater River Member Task and Finish Working Group	Councillors H M Bass, B S Beale MBE, R G Boyce MBE, S J Savage, A K M St. Joseph and Mrs M E Thompson
Bradwell Power Station Working Party (politically balanced)	<u>Conservative Group:</u> Councillors R G Boyce MBE, A S Fluker, R Pratt and <i>one vacancy</i> . <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
Maldon and Blackwater Estuary Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees <i>Substitutes: Councillors A S Fluker and R Pratt</i>
Member representative for Heritage and Design	Chairman of the Planning and Licensing Committee (or their substitute)
Place Board (Minute 704 – 17/12/15)	Chairman of the Planning and Licensing Committee
Recreational Avoidance and Mitigation Strategy Member Forum	Councillor A K M St. Joseph

Body	2018 / 19 Representative(s)
River Crouch Coastal Community Team (Management Team)	Chairman and Vice-Chairman of the Community Services and Planning & Licensing Committees <i>Substitutes: Councillors A S Fluker and R Pratt</i>

127. **BURNHAM-ON-CROUCH TOURIST INFORMATION CENTRE PROVISION UPDATE**

The Committee considered the report of the Director of Customers and Community updating Members on the performance of the Burnham-on-Crouch Tourist Information Centre (TIC) and seeking agreement to operate for a further two years.

The report provided background information regarding the agreement in 2016 to undertake a two year trial to operate a TIC in Burnham-on-Crouch. Appendix 1 to the report provided key statistics from both the Maldon and Burnham-on-Crouch TICs and this information was further highlighted in the report.

It was noted that the Burnham-on-Crouch TIC had been delivered on budget and subject to the continuation of the partnership with Burnham-on-Crouch Town Council and retail sales was set to continue without need for further investment.

The Chairman advised that any reference within the report to seeking agreement for operation of the Burnham-on-Crouch Tourist Information Centre (TIC) for a further two years should be amended to one year.

Some concern was raised regarding the costs relating to the Burnham-on-Crouch TIC and the savings required by the Council over the next few years.

Councillor A S Fluker advised that he could not support the Officers' recommendations and highlighted a number of concerns he had regarding the proposal, referring specifically to paragraphs 3.1.5 and 3.1.6 of the report and the high cost disproportionate to the number of visits to the TIC. He informed the Committee that based on the figures in the report, he could not support the proposed investment into the TIC.

The Chairman at this point made reference to the total income from the TIC not being detailed within the report. The Director of Planning and Regulatory Services, in response to a question, commented on value for money and to enable judgement of this, in his view, felt that further information was required.

Councillor Fluker then proposed that the decision to extend the current arrangements be deferred until the next meeting of this Committee, as further detail was required, including income figures. He also proposed that the Chairman of the Committee and himself should meet with the Director of Customers and Community to discuss the additional information to be included in the report. This proposal was duly seconded.

Councillor R Pratt indicated that he was totally against this proposal and fully supported the Officers recommendation, as set out in the report. Speaking as a Burnham-on-Crouch Ward Member he commented that Burnham-on-Crouch was the second jewel in the Maldon District, highlighted the tourism in and around the town and need for a TIC in the town.

The Chairman then put the proposal of deferral in the name of Councillor Fluker and upon a vote being taken this was agreed.

RESOLVED that the decision to continue the Burnham-on-Crouch Tourist Information Centre for a further year be deferred to the next meeting of this Committee pending further information including income figures.

128. MALDON DISTRICT STATEMENT OF COMMUNITY INVOLVEMENT

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' approval for public consultation of the draft Statement of Community Involvement (SCI), attached as Appendix 1 to the report.

It was noted that the current SCI required updating to take into account changes to national legislation and planning practice guidance and to reinstate the Council's commitment towards transparency and engagement with the community it serves. The report provided detailed information regarding these changes.

In response to a question regarding the inclusion of the Community Infrastructure Levy (CIL) within the Statement of Community Involvement, the Planning Policy Manager advised that the CIL would be included at this time and until a decision on its future had been made.

A comment was raised regarding Officers attending Parish / Town Council meetings and in response the Planning Policy Manager advised that Officers had and were happy to attend such meetings, as this was part of the engagement process. It was noted that Officers were in attendance at the Parish Clerks Forum meetings.

RESOLVED that the draft Statement of Community Involvement be approved for six weeks' public consultation starting in June 2018.

129. MALDON DISTRICT SELF-BUILD AND CUSTOM HOUSE BUILDING REGISTER

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' views on a proposed local connections eligibility test for applicants seeking entry onto the Self-Build and Custom Housebuilding Register.

The report provided detailed information regarding the Self-Build and Customer Housebuilding Register and how the amendments to the 2015 Act and information contained in the Regulations 2016 would affect the Council's review of the Self-Build and Customer Housebuilding Register.

National guidance advised that the Council could establish local connections criteria for entry onto the register. Given the significant affordability issues in the District and the evidenced demand for smaller market and affordable properties in the Strategic Housing Market Assessment it was suggested that an eligibility test be introduced to ensure that local people who live and work in the District are prioritised on the Register.

RESOLVED

- (i) that the report be noted and the Committee supports the need for a review of the Maldon District Self-Build and Custom Housebuilding Register;
- (ii) that the addition of a local connections eligibility test for applicants seeking entry onto the Maldon District Self-Building and Custom Housebuilding Register, be agreed.

130. DRAFT MALDON DISTRICT VEHICLE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT: STAKEHOLDER AND PUBLIC CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' approval for public consultation of the draft Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD), attached as Appendix 1 to the report.

Members were advised that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Draft Vehicle Parking Standards SPD set out the Council's approach to securing vehicle parking provision in development in the Maldon District. It also provides clarification on Policies D1, H4 and T2 and support implementation of the Local development Plan. The report provided detailed information regarding these.

It was noted that the aim of the Parking Standards was to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This would enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

In response to a number of questions the Planning Policy Manager provided Members with the following information:

- A further explanation regarding Electric Vehicle Charging (EVC) points was provided and it was noted that the proposals for EVC reflected the number of registered electric vehicles within the District which it was thought would increase in the future.
- The consultation document included a proposed increase to the size of garages and car parking spaces to facilitate larger vehicles.
- In response to a question regarding including enforcement within the document, the Planning Policy Manager advised that this could be looked at as part of the consultation process.

- Members were also advised that they could submit representations during the consultation period.

RESOLVED that the draft Maldon District Vehicle Parking Standards Supplementary Planning Document be approved for six weeks' public consultation starting in June 2018.

131. COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE

The Committee considered the report of the Director of Planning and Regulatory Services seeking consideration of some minor changes to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees, and the designation of Officers in the Scheme of Delegation for the Licensing function of this Committee.

The report set out the reasons behind the proposed changes to the Area Planning Committee Terms of Reference and the Scheme of Delegation for the Licensing function.

Some concern was raised regarding the proposed removal of reference to Planning Performance Agreements (PPAs) from the list of 'Development of Strategic Interest'. Particular reference was made to Members being consulted about particular PPAs and it was suggested that some PPAs could be considered by Area Planning Committees. It was noted that the proposed removal did not provide clarification in respect of which PPAs would be brought before the Council for consideration. The Director of Planning and Regulatory Services advised that the proposed change only related to PPAs and the other criteria for strategic development would not change and therefore be brought before the Council.

Councillor A S Fluker proposed that the changes to the classification of 'Development of Strategic Interest' in the Terms of Reference of the Area Planning Committees not be agreed. This was duly seconded and agreed. The proposed changes to the delegation of Officers in the Scheme of Delegation for the Licensing function of the Committee were agreed.

RESOLVED

- (i) that the classification of 'Development of Strategic Interest' in the Terms of Reference remain unchanged;

RECOMMENDED

- (ii) that the designation of Officers in the Scheme of Delegation for the Licensing function of the Planning and Licensing Committee (as set out in **APPENDIX 1** to these Minutes) be agreed.

132. LICENSING ACT 2003: DRAFT STATEMENT OF POLICY AND CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services, seeking Members' approval for consultation of the reviewed and updated Statement of Licensing Policy, attached as Appendix 1 to the report.

Members were advised that the Licensing Act 2003 required each Licensing Authority to publish a Statement of Licensing Policy and to periodically review that policy at least once every five years. The current Statement had been updated and Appendix 1 showed key changes tracked. A two month consultation period was suggested and the results of this would be reported back to this Committee.

The deletion of paragraph 4 under the introduction of the document (Appendix 1 to the report) was questioned and where reference to open air concerts was now referenced. In response, the Director of Planning and Regulatory Services agreed to look into this and advise Members accordingly.

RESOLVED

- (i) that the reviewed and updated Statement of Licensing Policy be agreed as a consultation draft;
- (ii) that Officers proceed with a low key consultation as described in the report.

133. GAMBLING ACT 2005: DRAFT STATEMENT OF POLICY AND CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services, seeking Members' approval for consultation of the reviewed and updated Statement of Gambling Policy, attached as Appendix 1 to the report.

Members were advised that the Gambling Act 2005 required each Licensing Authority to publish a Statement of Gambling Policy and to periodically review that policy at least once every five years. The current Statement had been updated and Appendix 1 showed key changes tracked. A two month consultation period was suggested and the results of this would be reported back to this Committee.

RESOLVED

- (i) that the reviewed and updated Statement of Gambling Policy be agreed as a consultation draft;
- (ii) that Officers proceed with a low key consultation as described in the report.

134. EXCLUSION OF PUBLIC AND PRESS

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 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

135. PREFERRED SITE OPTIONS FOR MALDON ENTERPRISE CENTRE

The Committee considered the report of the Director of Planning and Regulatory Services providing an update on work undertaken on the feasibility study for delivery of an Enterprise Centre in the District and seeking Members' endorsement of the four selected preferred sites.

A summary of the brief on which the feasibility study work was commissioned was attached as Appendix 1 and Appendix 2 detailed the interim findings.

Councillor Mrs P A Channer highlighted her interest in this item of business as a Member of Essex County Council.

It was discussed whether the Committee, under its Terms of Reference, could make a decision on this item of business or if it required a recommendation to the Council for decision.

It was requested that in respect of the report provided by the external consultants they be asked to provide an executive summary.

Following further discussions, Councillor S J Savage proposed that consideration of this item of business be deferred until a Member seminar was arranged for all Members and following this a report is taken to a meeting of the Council for decision. This was duly seconded and agreed.

RESOLVED that consideration of this item of business be deferred until a Member seminar was arranged for all Members and following this a report is taken to a meeting of the Council for decision.

There being no further items of business the Chairman closed the meeting at 9.43 pm.

MRS P A CHANNER, CC
CHAIRMAN