



**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
24 JANUARY 2019**

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**PRESENT**

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	B S Beale MBE, R G Boyce MBE, A S Fluker, R Pratt, CC, S J Savage and Mrs M E Thompson
Substitute Councillor(s)	Councillor Miss S White

**770. CHAIRMAN'S NOTICES**

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

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

Apologies for absence were received from Councillors M F L Durham and M R Pearlman. In accordance with notice duly given Councillor Miss S White was attending as a substitute for Councillor Durham.

**772. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 15 November 2018 be received.

**Minute 606 – Approval of the Maldon District Heritage at Risk Register**

In response to a question querying the accuracy of the bullet point in relation to Timber Trestle Viaduct at Wickham Place, the Director of Strategy, Performance and Governance advised that he would check this information and clarify with Members outside of the meeting.

**RESOLVED**

- (ii) that subject to the above clarification the Minutes of the meeting of the Committee held on 15 November 2018 be confirmed.

### **773. DISCLOSURE OF INTEREST**

Councillor R G Boyce declared a non-pecuniary interest in Agenda Item 9 – Approval to Consult on the Draft Lists of Local Heritage Assets for the Parishes of Althorne, Cold Norton, North Fambridge, Purleigh and Stow Maries as reference was made to the Guilder Drake Almshouses which he was chairman of.

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. He also declared that he was a Trustee of the Henry Guilder Trust.

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. She declared a non-pecuniary interest in Agenda Item 9 – Approval to Consult on the Draft Lists of Local Heritage Assets for the Parishes of Althorne, Cold Norton, North Fambridge, Purleigh and Stow Maries as a Trustee of the Henry Guilder Drake Almshouse Trust and a pecuniary interest in the same item of business as her house was immediately opposite the premise.

### **774. PUBLIC PARTICIPATION**

No requests had been received.

### **775. HALF YEARLY REVIEW OF PERFORMANCE**

The Committee received the report of the Director of Resources supplying Members with details of performance against targets set for 2018 / 19. The report also outlined progress being achieved towards the corporate goals and the outcomes detailed in the Corporate Plan 2015 – 19 adopted by the Council in February 2015.

It was noted that the Corporate Leadership Team had held quarterly performance and risk clinics to review and challenge performance, financial and risk information, where necessary. This report had also been considered by the Overview and Scrutiny Committee.

The position for each corporate goal was set out in Appendix 1 to the report and detailed key corporate activities and service priorities assessed as being “behind schedule” or “at risk of not being achieved”. The appendix also showed those indicators which were at risk of not achieving the end of year target.

Councillor Mrs M E Thompson joined the meeting during this item of business and abstained from any voting in relation to this item of business.

Following a discussion and in response to questions raised, the Director of Strategy, Performance and Governance provided Members with the following information:

- Delivery of the Strategic Sites as set out in the adopted Local Development Plan for the Maldon District: The five year housing land supply calculation had been undertaken and the Council was on track with this and bringing sites forward within the required period.

The Director of Strategy, Performance and Governance agreed to provide clarification as to whether Site 52g Park Drive was complete including enforcement matters.

- Influence and co-ordinate partners to prioritise and deliver flood relief projects for identified surface and coastal flooding risk areas in District - In relation to the Brickhouse Farm Scheme it was noted that the Council at its last meeting had agreed the principle of the flood alleviation scheme.
- Work with local businesses and agencies to prepare for / implement projects for the following Central Area Masterplan sites – a) Lower High Street – Reference was made to a recent meeting with local developers and concerns local residents had regarding a large scale development in this location. The Chairman advised that she was not aware of the meeting and would look into this matter outside of the meeting.

The Director of Strategy, Performance and Governance reported that businesses would be engaged as part of the engagement strategy on the lower high street which would be going out in the next few weeks.

Councillor A S Fluker declared in the interest of openness and transparency that he was a Harbour Commissioner.

In response to a question regarding encouraging small local businesses and new start-up businesses the Director of Strategy, Performance and Governance advised that there were things that could be done to encourage them and this would be consistent with micro economy.

Performance indicators had been introduced in 2016 / 17 regarding the time taken to acknowledge planning applications. Since then there had been a significant improvement in performance, however performance for minor and other application was still below the Council's target of 95%. The report set out Government guidance in relation to validation targets and the report suggested that the Council consider revising its performance indicators to align with these.

#### **RESOLVED**

- (i) that Members comments and the contents of the report be noted;
- (ii) that current performance measures relating to acknowledging planning applications be replaced and aligned with Government guidance.

#### **776. DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA) NET GAIN CONSULTATION PROPOSALS**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of a draft response (attached at Appendix 1 to the report) to the DEFRA consultation on its proposal to mandate biodiversity net gain for development requiring planning permission.

The report provided detail regarding the proposal from DEFRA to introduce legislation to mandate net biodiversity gain in new development. The Net Gain Consultation sought local authority and development industry input into setting out the parameters for a future scheme.

Members discussed the consultation response and the following amendments were agreed to the consultation response:

Consultation Question	Amendment
8. For what species is it plausible to use district level of strategic approaches to improve conservation outcomes and streamline planning processes? Please provide evidence.	Response to be amended from ‘no comment’ to include an update regarding the introduction of species through district level or strategic approach along with Natural England’s suggestion for Great Crested Newt Licensing to be done at a District level.
27. What safeguards might be needed in the implementation of conservation covenants?	Response to be amended from ‘no comment’ to include a comment following clarification from Officers on the meaning of ‘conservation covenants’.
31. How should the tariff revenue be collected? a) Locally (e.g. through a Local Authority) b) Nationally (e.g. through Natural England or another national body) c) Other, please specify.	Councillor A S Fluker proposed that the Council should try and deal with tariff revenue locally which would allow the Council to shape the District.  It was agreed that this response would be amended to include these comments.
Exemptions	It was agreed that a comment regarding mitigating any charge on affordable housing as the costs of new build affordable housing was becoming a problem.

During the debate, Councillor Mrs P A Channer repeated her non-pecuniary interest in this item of business as a Trustee of the Henry Guilder Drake Trust. Councillor S J Savage also declared a non-pecuniary interest in this item of business as he was a trustee of two trust houses.

**RESOLVED** that subject to the above amendments the consultation the proposed response to the Department for Environment, Food and Rural Affairs consultation on Net Gain proposals be revised to take into account the views of the Committee and approved by Officers in consultation with the Chairman and Vice-Chairman of this Committee and submitted as the Council’s formal response to the consultation.

## 777. UPDATE ON APPEAL DECISIONS (JULY - SEPTEMBER 2018)

The Committee received the report of the Director of Strategy, Performance and Governance informing Members of performance on planning appeal decisions from July to September 2018.

In respect of costs awarded to the Council, the Director of Strategy, Performance and Governance advised that the appeal was granted on the last day of the quarter and therefore these costs would be reported in the next quarter.

In response to questions, the Director of Strategy, Performance and Governance agreed to circulate to Members outside of the meeting cost information relating to appeal costs including a specific site referred to at Stoney Hills, Burnham-on-Crouch.

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

At this point, Councillor Mrs P A Channer reminded Members of her earlier declaration of interest in the following item of business and left the meeting.

IN THE CHAIR : COUNCILLOR A K M ST. JOSEPH

**778. APPROVAL TO CONSULT ON THE DRAFT LISTS OF LOCAL HERITAGE ASSETS FOR THE PARISHES OF ALTHORNE, COLD NORTON, NORTH FAMBRIDGE, PURLEIGH AND STOW MARIES**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' approval to consult on the Draft Lists of Local Heritage Assets for the Parishes of Althorne, Cold Norton, North Fambridge, Purleigh and Stow Maries (attached as Appendix 1 to the report).

Members were advised that Planning Practice Guidance encouraged Local Planning Authorities to identify 'non-designated heritage assets' against consistent criteria and noted that adding them to a 'local list' was a positive way of improving the 'predictability of the potential for sustainable development'. The Council's Conservation Officer was drafting lists for each Parish and Appendix 2 to the report set out a timetable for the development of the register of local heritage assets.

Members expressed their thanks to the Conservation Officer for the work he had done in relation to the Draft Lists and conservation in the District.

Councillor Miss S White declared a non-pecuniary interest in this item of business and in particular the farm buildings at Stow Maries which she had been inside and knew the owners of.

Members considered the report and its related appendices and in response to the debate and questions raised the following information was provided:

- It was noted that according to the timetable Southminster was listed as Phase 3. Some Members requested that Southminster Police Station be looked at as a matter of urgency to preserve its current heritage as it was felt the building was at risk. Councillor A S Fluker reported that he would be meeting with residents regarding this over the coming weeks.
- The Conservation Officer explained that the Draft Lists sought to recognise locations with historic interest and manage change relating to them in a way which did not compromise on what was special about a location. Being on the

list would not impose any additional controls and properties on the list could be removed.

- It was agreed that owners of land included within the Draft Lists would be written to by the Conservation Officer as a matter of priority and be provided with a clear understanding of what the listing means and how it was not the same as being a 'listed building'.
- It was agreed that Southminster be moved from Phase 3 into Phase 2 with Maldon and Heybridge.

Councillor A S Fluker proposed that Southminster Police Station be added to the list and taken forward immediately, subject to the availability of the Conservation Officer. This proposal was not seconded.

The Chairman then put the recommendation set out in the report, subject to land owners being written first and the additional recommendation that Southminster be moved from Phase 3 into Phase 2 with Maldon and Heybridge. This was duly agreed and Councillor Miss White requested that her vote against the proposal be recorded.

### **RESOLVED**

- (i) that subject to notifying the land owners the Draft Lists of Local Heritage Assets for the Parishes of Althorne, Cold Norton, North Fambridge, Purleigh and Stow Maries are approved for public consultation;
- (ii) that Southminster be moved from Phase 3 into Phase 2 with Maldon and Heybridge.

Councillor Mrs Channer returned to the chamber.

IN THE CHAIR : COUNCILLOR MRS P A CHANNER

### **779. RECREATIONAL AVOIDANCE MITIGATION STRATEGY SUPPLEMENTARY PLANNING DOCUMENT**

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) (attached as Appendix A to the report) for public consultation. Members were also asked to consider approving use of the RAMS as an evidence base for securing financial contributions from new housing development in the interim period prior to the draft RAMS Supplementary Planning Document (SPD) being adopted.

The draft Essex Coastal RAMS was a joint initiative between 11 Essex authorities to identify the recreational impacts new homes would have on the Habitat sites along the Essex Coast. The report provided detailed information regarding the RAMS and Members noted that it comprised of two sections, the Technical report and Mitigation report. A draft governance chart was attached as Appendix B to the report.

The Acting Planning Policy Team Leader reported that once the draft RAMS had gone out for consultation the Council had been advised that it would carry weight in the planning application process. The report provided detail of the RAMS tariff which could be used by Officers as the basis for securing financial contributions from any housing development that came forward in the Zone of Influence for the habitat sites.

The Chairman thanked the Acting Planning Policy Team Leader for her work on the RAMS document and referred to Councillor A K M St. Joseph whose expertise had proved very useful to the RAMS forum.

Councillor R G Boyce referred to recommendation (ii) and proposed that social housing should be excluded from this. He made reference to how any social landlord building houses for rent needed to be able to fund the build costs. This proposal was duly seconded and agreed.

At this point Councillor Mr P A Channer declared a non-pecuniary interest in this item of business.

A debate ensued during which the following information was provided and concerns raised:

- Affordable housing was currently included by the Council in the RAMS tariff but as part of the consultation process the Council was able to raise concerns regarding this. It was noted that any changes proposed by the Committee would be reported to the RAMS steering group.
- Concern was raised regarding the management of the system defined and whether the knowledge would be available to focus on the disturbance points.
- The report made reference to a scheme in the Solent but a Member raised concern regarding the beneficial effect and that more detailed knowledge was required in respect of Essex.
- Enforcement of the current rules was commented upon and how there were a number of things which could be implemented at little cost.

Members requested that as part of the transformation process any costs, even when coming from existing budgets, should be drawn to Members' attention.

#### **RESOLVED**

- (i) That the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) be approved for stakeholder and public consultation.

#### **RECOMMENDED**

- (ii) That the tariff in the draft Essex Coast RAMS be used for securing financial contributions from new housing development, excluding social housing, in the interim period prior to the draft Essex Coast RAMS Supplementary Planning Document being adopted.

## 780. PLANNING POLICY UPDATE

The Committee considered the report of the Director of Strategy, Performance and Governance providing an update on local, sub-regional and national planning policy matters including Duty to Cooperate, Essex Local Plans and legislative changes as they affect planning policy.

The report provided Members with an update on a number of areas including:

- Duty to cooperate and other plans and strategies;
- M25 junction 28 improvement scheme – consultation;
- Supplementary Planning Documents (SPD) and other policy documents;
- Community Infrastructure Levy (CIL);
- Reducing complexity and increasing certainty;
- Increasing market responsiveness;
- Improving transparency and increasing accountability;
- Introducing a Strategy Infrastructure Tariff;
- National Planning Policy Framework (NPPF);
- Reforming developer contributions: Technical consultation on draft regulations;
- Neighbourhood Planning;
- Maldon and Heybridge Central Area Masterplan;

In response to a number of questions the following information was provided by Officers:

- In response to a question, the Acting Planning Policy Team Leader advised that the economic growth relating to the M25 junction improvement scheme would be addressed by the Economic Development Team. The Chairman advised that this would be picked up outside of the meeting.
- Members were advised that alongside the NPPF consultation there was a consultation on CIL which was required to bring out the changes as a result of this new legislation. It was noted that response to this would be delegated to the Director of Strategy, Performance and Governance in consultation with the Chairman and Vice-Chairman of this Committee..
- The Council had considered reports and respond to the consultation relating to the mayoral plan for London. The Chief Executive's and Leaders group had sent a letter to the Mayor raising concern and requesting further dialogue in respect of other housing needs such as families coming out of London because of cheaper rental.

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

There being no further items of business the Chairman closed the meeting at 9.27 pm.

MRS P A CHANNER, CC  
CHAIRMAN