



**MINUTES of
PLANNING AND LICENSING COMMITTEE
19 JANUARY 2017**

PRESENT

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

883. CHAIRMAN'S NOTICES

The Chairman welcomed Councillor M S Heard and Mr Simon Rowberry, Interim Head of Planning Services to the meeting and then drew attention to the list of notices published on the back of the agenda.

884. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P G L Elliott and A K M St. Joseph. In accordance with notice duly given Councillor M F L Durham was attending as a substitute for Councillor Elliott and Councillor Miss M R Lewis as a substitute for Councillor St. Joseph.

885. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 November 2016 be received.

Minute No. 698 – Disclosure of Interest

Councillor S J Savage advised that in respect of his declaration recorded since the meeting it had been confirmed to him that the Town Council was not misquoted.

Minute 705 – 2017 / 18 Revenue Budget and Fees and Charges

Councillor Savage pointed out that the Chief Executive had agreed to provide the Committee with information regarding the Dawn Sailing Barge and this had not been forthcoming. In response, the Chief Executive apologised and advised that information would be circulated at the earliest opportunity.

RESOLVED

- (ii) that the Minutes of the meeting of the Committee held on 17 November 2016 be confirmed.

886. DISCLOSURE OF INTEREST

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 7 – Draft Maldon and Heybridge Central Area Masterplan and Proposed Public Consultation as he was the liaison Councillor on behalf of the Town Council to liaise with the members of the public in Downs Road, Chelmer Terrace, North Street and the Hythe regarding the works to Chelmer Terrace.

Councillor R G Boyce disclosed a non-pecuniary interest as a Member of Essex County Council and advised that in relation to Agenda Item 10 – Proposal to Establish a Strategic Housing Board 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 the following Agenda items:

- 7 – Proposed Flood Alleviation Scheme at Brickhouse Farm, Maldon
- 8 – Community Flood Grant Applications and Project Management of the Scheme
- 9 – Meeting the Need of Affordable Housing.
- 10 – 2017 / 18 Revenue Budget Fees and Charges

Councillor Mrs Channer also advised that in relation to Agenda Item 10 – Proposal to Establish a Strategic Housing Board she was a member of an Almshouse Trust.

In respect of Agenda Item 10 – Proposal to Establish a Strategic Housing Board Councillor Savage informed the Committee that he was a member of two Almshouse Trusts.

887. PUBLIC PARTICIPATION

In accordance with the Council's public participation scheme Mr Harrison of Stock Chase, Heybridge addressed the Committee in relation to Agenda Item 7 – Draft Maldon and Heybridge Central Area Masterplan and Proposed Public Consultation.

At this point, the Chairman advised that Agenda Item 12 – Planning Enforcement had been withdrawn.

At the request of the Chairman, it was agreed that Agenda Item 18 – Update on the Neighbourhood Plan would be considered after Agenda Item 8 – Planning Policy Update.

888. LOCAL DEVELOPMENT PLAN SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENTS

The Committee considered the report of the Interim Head of Planning Services which set out the key recommendations from the Gypsy & Travellers and Rural Housing & Employment Allocations Member Task and Finish Working Groups.

The report provided a detailed update on the following matters:

- Local Development Plan (LDP);
- Planning Policy Framework;
- Task and Finish Groups Background;
- The Site allocations Development Plan Document (DPD);
- Implications for the LDP.

Appendix 1 to the report set out the Council's hearing statement issues which incorporated the draft revised policy H6 Provision for Travellers. This document had been presented to the Planning Inspector for consideration as a modification to the LDP at the Examination in Public (EiP).

The report provided an update on the status of the DPD and progression since its publication in January 2014.

It was noted that the Task and Finish Working Group considered three options for the DPD and option 2 - to Create headroom for the preparation of the Neighbourhood Plans was the recommendation of the Working Groups. The report advised how the Council had exceeded the housing target set within the Pre-submission LDP and the rural target and therefore Members were informed there was no longer a need for a Rural Housing Allocations DPD and it was recommended that the shortfall of 100 units as required in Policy S2 be delegated to the Neighbourhood Plans.

The Planning Policy Manager provided Members with an update following the EiP which had recently concluded.

In response to a question regarding informing Parish Councils, the Strategic Planning Policy Manager advised that following the EiP there would be a public consultation on matters arising. He advised that Parish Councils could be notified of the decision and the approach being taken in respect of the LDP.

RESOLVED

- (i) that the recommendation of the Gypsy and Travellers, and Rural Housing and Employment Allocations Task and Finish Group to not proceed with the preparation of the Site Allocations Development Plan Document is endorsed;
- (ii) that a report be made to the Council.

889. DRAFT MALDON AND HEYBRIDGE CENTRAL MASTERPLAN AND PROPOSED PUBLIC CONSULTATION

The Committee considered the report of the Interim Head of Planning Services seeking Members' agreement to amend the draft Maldon and Heybridge Central Area Masterplan (the Masterplan) (attached as Appendix 1 to the report) put forward by the Member Task and Finish Working Group. In addition, if the amendment was agreed Members' were also asked to agree for the Masterplan to go out for public consultation.

A number of proposed amendments to the Masterplan were set out in the report and Members were reminded of the project brief attached at Appendix 2

The Committee discussed the document and a number of comments were raised. The Chairman reminded the Committee that it was being asked to approve the document for consultation and she was sure as part of the consultation process a number of the comments made by Members would be raised. Members were also informed that any Member could write in regarding the document and provide comment which would be taken into consideration as part of the process.

In response to a questions regarding the change from 'the Maldon District Story' to the Sense of Place, Members were referred to Appendix 3 to the report which provided details in respect of the Maldon District Sense of Place.

Councillor S J Savage reaffirmed his declaration of interest at this point.

In response to the Masterplan comments were raised by Members of the Committee and these related to:

- the proposed alteration to highways junctions and it was requested that intervention 4 be removed;
- the "new iconic bridge" at Sadd's Wharf and access by the existing boatyard;
- the location of the proposed bike track;
- there being no reference to the Maldon Museum, the possible relocation of the Maldon Tourist Information Centre and the lake at Promenade Park;
- the proposed market on the Hythe Quay.

In response to questions, the Senior Conservation and Urban Design Officer confirmed that:

- the Battle of Maldon site was designated as such but Historic England had accepted that there was still uncertainty about the location.
- there was no intention to change any highway junctions.

Councillor Miss M R Lewis commented on the document and proposed that the Committee accept the recommendations as set out in the report and move forward to public consultation as soon as possible. This proposal was duly seconded and upon a vote being taken was agreed.

The Chairman requested that Members thanks be Minuted and in particular, the hard work of Officers in the preparation of the Masterplan and specific reference was made to the Senior Conservation and Urban Design Officer.

RESOLVED

- (i) that the proposed amendments put forward by the Member Task and Finish Group as set out below, are agreed;

Page No.	Comment	Amendment
9	Remove graphic and text titled <i>The Maldon District Story</i> . Replace with <i>Sense of Place</i> text and an image of graphic language toolkit.	As Appendix 3 to the report.
Page 26, Paragraph 3.6 Masterplan Projects	Remove first sentence regarding ‘ <i>long, medium and short term actions</i> ’ and move to the Action Plan section on page 77.	The Action Plan section on page 77 does include reference to short, medium and long term actions. Ensure clarity of text.
Page 29, Chapter 4 Key Projects	Remove third sentence regarding <i>funding</i> and move to the Action Plan section on page 77.	The Action Plan section on page 77 does include reference to low, medium and high priority projects. Ensure clarity of text.
Pages 30 to 35 Project 1	Remove reference to ‘ <i>Core</i> ’ High Street in project title and graphics. Remove reference to ‘ <i>Central</i> ’ High Street in graphic and replace with ‘ <i>Middle</i> ’ High Street.	Replace with ‘ <i>Upper</i> ’ High Street (and in Action Plan) and ‘ <i>Middle</i> ’ High Street.
Page 41 Project 4 Para 2	Remove reference to ‘ <i>food</i> ’ and ‘ <i>seafood and oysters</i> ’ in bullet point 1.	To read: <i>Creation of a new seasonal market on Hythe Quay.</i>
Page 61 Project 12	Project 12 to include all types of flooding in the Causeway Regeneration Area and opportunity for mitigation through development proposals and funding via s106 also.	Add reference to fluvial, tidal and surface water flooding within text on page 61. Add specific reference to s106 against Project 12 in external funding section of Action Plan on page 77.
Pages 71 to 75 Projects 16, 17, 18	Acknowledging the partnerships identified, the Group requested engagement with Haven Gateway and in particular George Keiffer.	Add Haven Gateway to Action Plan ‘Partners’ for these projects and add Mr G Keiffer to Stakeholder list.

- (ii) that any additional comments raised by the Committee be included within the Draft Maldon and Heybridge Central Area Masterplan;
- (iii) that the amendments in (i) and comments in (ii) above are embedded within the Draft Maldon and Heybridge Central Area Masterplan and the document is approved for public consultation.

890. PLANNING POLICY UPDATE

The Committee considered the report of the Interim Head of Planning Services updating Members on the A12 Consultation, Maldon Design Guide and Planning Legislation

update. The report highlighted three further subjects which were the reported separately on the agenda for this meeting.

The Planning Policy Manager provided Members with an update regarding the Local Development Plan and the next steps following the conclusion of the Examination in Public, which included work requested by the Planning Inspector.

Councillor M F L Durham congratulated the Council's team of Officers involved in the Examination in Public. He proposed that the Council contact both Members of Parliament to ask them to put some pressure on the Secretary of State or appeal for him not to take too long in making a final decision. This was duly agreed. Further congratulations were offered to Mr Berkley, the Planning Inspector.

Councillor Miss M R Lewis referred to the current consultations on the A12 and A120 and urged Members to attend at least one of the consultation events planned.

RESOLVED

- (i) that the Planning Policy update outlined in the report be noted and that at the appropriate time matters for decision will be brought to this Committee for be noted;
- (ii) that the Council writes to both Members of Parliament to ask them to put some pressure on the Secretary of State or appeal for him not to take too long in making a final decision.

891. UPDATE ON THE NEIGHBOURHOOD PLAN

The Committee considered the report of the Interim Head of Planning Services providing an update on progress of Neighbourhood Plans (NP) in the District.

A table within the report provided a synopsis of the stages each of the NPs had reached. The Planning Policy Officer provided Members with a verbal update on the status of NPs including:

- Burnham-on-Crouch – Tenders for an examiner for the NP had drawn no interest. The Town Council would therefore be retendering and details of additional information being provided was given.
- Langford and Ulting – Officers advised that the Council needed to source external advice.
- Althorne – It was confirmed that their Village Design Statement had been incorporated into the NP.

The Chairman requested an update on Village Design Statements (VDS) for Parishes making specific reference to Woodham Walter. In response this request and a further question regarding VDS, the Planning Policy Officer advised that a VDS could be created by a Community / Parish Council as a way of influencing the design and new development locally through identifying and describing the local character of an area. A consultation process would take place and once completed the Community / Parish Council would submit the VDS to the Council for endorsement as a material planning

consideration and then form part of the Local Plan and used to help assess planning applications. It was confirmed that a VDS could also be incorporated into a NP.

Concern was raised regarding the status of the Langford and Ulting Neighbourhood Plan and in response the Planning Policy Officer provided Members with an update including the decision by the Parish Council to withdraw the plan (although formal withdrawal notice had not been issued), and legal advice which was being sought. It was requested that NP be given the highest of priority.

In response to a question, the Chairman agreed that clarification would be sought on whether VDSs were adopted or endorsed and the status of VDSs received by the Council.

RESOLVED that the progress of Neighbourhood Plans in the District be noted.

892. ECONOMIC DEVELOPMENT UPDATE

Councillor Mrs P A Channer advised that her earlier non-pecuniary interest related to this item of business.

The Committee considered the report of the Chief Executive providing an update on key issues relating to Economic Development. An update on the activities of various Economic Development workstreams were set out in Appendix 1 to the report.

Members' attention was to section 5 of Appendix , Magnox / Nuclear Decommissioning Authority NDA), which included a recommendation requiring endorsement from Members to support a bid to the Magnox Socio-Economic Fund for secretariat costs for the Bradwell Legacy Partnership.

The Chairman proposed a change to the recommendation set out in Appendix 1 proposing that the Chief Executive be authorised, in consultation with the Chairman and Vice-Chairman of this Committee, to submit the bid. A debate ensued.

The Economic Development Officer clarified that the £33,000 bid connected to secretariat support did not require match funding. Magnox and the Nuclear Decommissioning Agency wanted to bring to the Council's attention that other projects would require match funding.

The Chairman then withdrew her earlier proposition and put the recommendation as set out in the report which upon a vote being taken was agreed.

RESOLVED

- (i) that the contents of the report be noted;
- (ii) that the submission of a bid to the Magnox Socio-Economic Fund for £33,000 to help support Secretariat costs for the Bradwell Legacy Partnership between April 2017 and March 2019, be endorsed.

893. PROPOSAL TO ESTABLISH A STRATEGIC HOUSING BOARD

The Committee considered the report of the Director of Customers and Community seeking Members' agreement to establish a Strategic Housing Board. It was noted that the report was also being considered by the Community Services and Finance & Corporate Services Committees.

It was noted that the range of Housing issues for the Council had evolved and was not now principally concerned with Affordable Housing but were about meeting and managing all housing needs, and helping to turn Planning approvals into actual delivery. The proposal to set up of a Strategic Housing Board would assist in providing strategic direction to meet these objectives.

Councillor H M Bass proposed that Councillors E L Bamford and R G Boyce be the appointed Members from this Committee on the Strategic Housing Board. This proposal was duly seconded and upon a vote being taken agreed.

RECOMMENDED

- (i) that a Strategic Housing Board be created with Councillors E L Bamford and R G Boyce from this Committee along with two Members appointed from each of the other programme Committees with the intention that the Board would meet quarterly;
- (ii) that the Terms of Reference for the Board be agreed once established by its Members which will also include senior officers of the Council;
- (iii) that the fundamental purpose of the Strategic Housing Board would be to consider and advise relevant committees on the Council's strategic priorities and actions for meeting the need for affordable housing and the housing need of other groups in the District.

894. COASTAL COMMUNITY TEAMS

The Committee considered the report of the Director of Customers and Community providing Members with an update on the work of the Maldon & Blackwater Estuary and River Crouch Coast Community Teams (CCTs). Comments were also sought on the draft Memorandum of Understanding (MOU) between the Council and the CCTs, attached as Appendices 2a and 2b to the report.

The existing Terms of Reference for each CCT were attached at Appendix 1 to the report.

The report provided background information regarding the launch of CCTs by the Department for Communities and Local Government (DCLG) in 2015 to identify and drive projects and activities which focussed on coastal regions and have a positive and sustainable impact on the economic well-being of coastal towns and communities. The Director of Customers and Community drew Members' attention to the projects identified and it was noted that they were being processed by small working groups from each CCT.

In response to comments from the Committee, the Chairman clarified that the Monitoring Officer would be involved in the finalising of the Draft MOU and the intention of the MOUs was to make clear the governance aspect of these bodies.

The Director of Customers and Community highlighted that the MOUs were still being worked on and the Monitoring Officer was happy to receive any further comments Members may have. Councillor E L Bamford highlighted her concerns regarding the MOU, which she had sent to the Monitoring Officer.

RESOLVED

- (i) that the efforts being made by the Coastal Community Teams in supporting the ambitions of the District's Economic Prosperity Strategy, be noted;
- (ii) that Members comments on draft Memoranda of Understanding between Maldon District Council and the Maldon & Blackwater Estuary Coastal Community Team and the River Crouch Coastal Community Team, be noted;
- (iii) that the Director of Customers and Community be authorised, in consultation with the Chairman of the Planning and Licensing Committee, to finalise the Draft Memoranda of Understanding.

Councillor R G Boyce left and then re-joined the meeting during this item of business.

895. PLANNING ENFORCEMENT

This report had been withdrawn.

896. SECTION 106 PROCESS AND THE MONITORING OF AGREEMENTS AND THE COLLECTION OF PLANNING CONTRIBUTIONS

The Committee considered the report of the Interim Director of Resources presenting information about the Section 106 (S106) process in connection with planning applications, including details of monies currently held by the Council. It was noted that this report had come about following a request for information from a meeting of the Overview and Scrutiny Committee.

Appendices to the report provided the following information:

- Appendix A – payments received since 2012 with details of the date each had to be used by and the purpose for which the contribution is to be used.
- Appendix B – the position in respect of the strategic sites.
- Appendix C – sites under construction where financial contributions and / or affordable housing have been provided and sites with extant permissions and subject to a legal agreement but where work is yet to commence.

The Interim Director of Resources took Members through the report, outlining the work undertaken by the Council to monitor S106 monies including the coordination of partners to ensure monies were spent. Members were advised that a report on this matter would also be taken to the next meeting of the Overview and Scrutiny

Committee. It was noted that since August 2015 the Council had a dedicated S106 Officer.

Councillor S J Savage reiterated his earlier declaration of interest at this point.

Concern was raised regarding the process for pre-application meetings and how the process for creating such meetings appeared to have changed without any consultation with Members. The benefit of pre-application meetings was stressed along with the importance of Ward Members in such discussions. The Interim Head of Planning Services advised that at the request of the Chief Executive he was actively looking into the application of S106 along with pre-application meetings.

Councillors R G Boyce and Mrs P A Channer reiterated their earlier declaration of interests at this point.

A number of comments were raised by Members and in response Officers provided the Committee with detailed information regarding S106 monies including their use in respect of affordable housing, play and sports, highways and primary care. Members were also advised of the process if a shortfall in S106 monies occurred. The Interim Head of Planning Services advised that there was continuous ongoing monitoring of S106 monies.

It was agreed that an update would be provided to Councillor B S Beale outside of the meeting regarding on the pedestrian linkages to the Southminster West Business Park, Scotts Hill.

Councillor E L Bamford proposed that this report be brought back to the Committee on a six monthly basis. This was duly seconded and agreed.

RESOLVED

- (i) that the views and comments of Members on the information in this report, be noted;
- (ii) that an update to this report be brought back to the Committee on a six monthly basis.

897. UPDATE ON THE OPERATION OF THE BURNHAM-ON-CROUCH TOURIST INFORMATION CENTRE

The Committee received the report of the Director of Customers and Community providing a review of the first three months of operation of the Burnham-on-Crouch Tourist Information Centre (TIC).

The Burnham-on-Crouch TIC opened officially on 23 August 2016 and the report set out the current arrangements in respect of staff and opening hours. Appendix 1 to the report provided a breakdown of usage during the three month period. It was noted that key statistical information would be used to identify Key Performance Indicators. A sample of merchandise offered by the TIC was set out in Appendix 2.

RESOLVED that the contents of the report be noted.

898. UPDATE OF THE BLACKWATER ESTUARY TASK AND FINISH WORKING GROUP

The Committee received the report of the Blackwater Estuary Task and Finish Working Group (the Working Group) providing an overview of the discussion that had taken place at the most recent meeting of the Working Group.

The Group Manager (Leisure, Countryside and Tourism) provided a verbal update on establishment of the England National Coastal Footpath and confirmed that mud flats and saltmarsh would be excluded. A report would be brought to the next meeting of this Committee on this matter. It was also reported that Natural England had confirmed that position of the path.

RESOLVED that the update from the Blackwater Estuary Task and Finish Working Group be noted.

899. UPDATE OF THE ECONOMIC PROSPERITY AND TOURISM WORKING GROUP

The Committee received the report of the Economic Prosperity and Tourism Working Group (the Working Group) providing an overview of the discussions that had taken place at the most recent meeting of the Working Group.

The report provided an update on each of the following areas of work:

- Bradwell Legacy Partnership (BLP);
- Dengie Gateway Project / Coastal Communities Fund Project;
- Coastal Revival Fund (Historic Waterfront Revival Fund).

RESOLVED that the updated from the Economic Prosperity and Tourism Working Group be noted.

900. GUIDELINES FOR COMMITTEE SITE VISITS

The Committee considered the report of the Interim Head of Planning Services seeking Members' agreement to a revision to Committee Site Visit Guidelines to make provision for organised site visits prior to a Committee meeting.

Appendix 1 to the report set out the current guidelines and how, at a recent meeting of the Planning Committee Chairmen an amendment had been suggested to make provision for site visits to be organised following publication of Committee report prior to the report. The proposed amendment was set out in the report.

Some concern was raised regarding the proposed change and whether there would be sufficient time between publication of Committee reports and meetings take place to arrange site visits. The Interim Head of Planning Services provided further information in response and made reference to the need for a proactive approach and to ensure that Members were aware of all material considerations relating to a planning application.

It was clarified that site visits would not be considered until applications were validated.

Following further discussions the Chairman put to the Committee that the site visit guidelines either be brought back to the Committee for approval following amendment or the Interim Head of Planning Services be authorised to amend them in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee and the Committee Chairmen involved at the Planning Committee Chairmen's meeting. This was duly agreed.

RESOLVED that taking in account the comments of Members the site visit guidelines either be brought back to the Committee for approval following amendment or the Interim Head of Planning Services be authorised to amend them in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee and the Committee Chairmen involved at the Planning Committee Chairmen's meeting.

901. EXCLUSION OF THE 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 2, 3 and 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

902. SUBMISSION OF A JUDICIAL REVIEW

The Committee received the report of the Interim Head of Planning Services providing information regarding an appeal decision (as received from the Planning Inspectorate) and how the decision was considered unlawful and the Council had, as a result, served a Judicial Review against the decision. The report provided detailed information regarding this appeal, including legal advice received.

The Chief Executive made reference to a letter received in respect of the judicial review and in response to questions Officers provided the Committee with additional information.

RESOLVED

- (i) that the implications of this appeal decision for strategic housing growth in be noted;
- (ii) that the timescale, costs and outcome of this Judicial Review process be noted.

903. REVIEW OF SLIPWAY AND LAUNCHING FACILITY

The Committee considered the report of the Director of Customers and Community, updating Members on river enforcement activity and highlighting associated issues.

The report advised Members of a particular issue, the history surrounding it and possible solutions. Members discussed these and where questions were raised the Group Manager (Leisure, Countryside and Tourism) provided additional information.

Councillor M F L Durham proposed that the Council set a fixed time limit by which compliance with the licence for the relevant site was required and if not met then the licence would be revoked. He suggested that the time limit be set at three months from Easter and by 1 August. This was duly agreed.

RESOLVED

- (i) that Members note the contents of the report and that attempts have been made to reduce on the water antisocial behaviour associated with some individuals launching from the site;
- (ii) that Officers continue to take steps to improve control of the facility by working with the site owners at a local and national level;
- (iii) that compliance with the licence for the site be required by 1 August after which the licence would be revoked;
- (iii) that a further report be brought back to this Committee detailing the outcome of further negotiations.

There being no further items of business the Chairman closed the meeting at 10.24 pm.

MRS P A CHANNER, CC
CHAIRMAN

(a)
(b)