



**MINUTES of
PLANNING AND LICENSING COMMITTEE
14 SEPTEMBER 2017**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor A K M St. Joseph
Councillors	H M Bass, B S Beale MBE, R G Boyce MBE, M F L Durham, CC, A S Fluker, M R Pearlman, S J Savage and Mrs M E Thompson

432. CHAIRMAN'S NOTICES

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

433. APOLOGIES FOR ABSENCE

There were none.

434. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 20 July 2017 be approved and confirmed.

435. DISCLOSURE OF INTEREST

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 12 - Maldon and Heybridge Central Area Masterplan – Adoption as Supplementary Planning Document as he lived in Chelmer Terrace.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council and advised that he therefore had an interest in any item of business pertinent to that Authority.

Councillor A S Fluker declared in the interest of openness and transparency that he was a Maldon Harbour Commissioner and also a trustee of Stow Maries Great War Areodrome both which were mentioned in Agenda Item 7 – Planning Enforcement.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council and any items pertinent to that Authority. She also declared an interest as Stow Maries fell within her division.

436. PUBLIC PARTICIPATION

No requests had been received.

437. ECONOMIC DEVELOPMENT UPDATE

Councillor Mrs P A Channer declared an interest in this item of business as she sat on the Overview and Scrutiny Committee.

Prior to consideration of this item of business the Chairman introduced Mr David Burrows, newly appointed Economic Development and Partnership Manager.

The Committee received the report of the Chief Executive providing an update on key issues relating to Economic Development. Appendix 1 to the report provided an update on the activities of various Economic Development workstreams.

The Economic Development and Partnership Manager presented the report and provided a number of updates and the following was noted:

- Stow Maries Great War Aerodrome had recently been awarded £4.3 million Lottery funding.
- Sense of Place – Councillor M F L Durham reported on a recent meeting with the Chairman of the Sense of Place Board and that the Council needed to be using the Sense of Place logos across all Council documents including emails and staff identification badges.

A number of questions were raised regarding the Superfast Broadband project and in response the Chief Executive provided Members with an update which had come from David Wilde at the recent Locality Board meeting. It was noted that Phase Three was being implemented. The Chief Executive advised she would seek to obtain information as to where the investment would be made and commented that it was essential to ensure that Essex County Council continued its focus on the Maldon District. It was requested that a report be brought to this Committee and the Finance and Corporate Services Committee on Superfast Broadband, including the monies invested by the Council.

Councillor S J Savage declared a non-pecuniary interest as he was a Maldon Town Councillor and the Town Council was referred to in Appendix 1 to the report.

RESOLVED that the contents of the report be noted.

438. PLANNING ENFORCEMENT

The Committee considered the report of the Chief Executive providing an update on the current status of the Planning Enforcement Policy, Practice and Guidance and the Harm Matrix. The current policy was attached as Appendix 1 to the report and Appendix 2 detailed the proposed revised policy with tracked changes to highlight the amendments made.

Members noted the current enforcement activity for the last six months. It was reported that the number of cases had significantly increased compared to previous years but that there had also been an increase in the number of cases closed. Appendix 3 to the report provided more information in relation to the quantum of work across the Enforcement Team.

When presenting the report, the Group Manager - Planning Services advised that the date on the front of the Policy would be changed to reflect the month the policy was approved. It was clarified that the flow chart shown on page 83 would not now be included in the revised policy.

In response to a question, the Group Manager - Planning Services confirmed that standard letter templates had been updated and were being used across the service.

RECOMMENDED that the revised Planning Enforcement Policy, Practice and Guidance (attached as **APPENDIX 1** to these Minutes) be adopted.

439. SECTION 106 AGREEMENTS - SIX MONTHLY UPDATE

Councillor Mrs P A Channer declared an interest in this item of business as she was a Member of the Overview and Scrutiny Committee.

The Committee considered the report of the Chief Executive providing an update on Section 106 (S106) agreements. The Overview and Scrutiny Committee had considered a report (attached at Appendix A) at its meeting on 30 August and the Planning Policy Manager advised Members of the issues raised which included Section 52 agreements, the Community Infrastructure Levy (CIL); and the collaboration between the S106 Monitoring Officer and other services.

Members were advised that the vacant S106 Monitoring Officer role within Planning services had recently been recruited into and a significant part of this role would be monitoring S106s and the introduction of CIL. In addition, an annual review of the non-financial contributions to S106s would be carried out to ensure compliance.

It was noted that S106 agreements were a way that the Council secured financial contributions, facilities or work to prescribe, compensate or mitigate the impacts of development. Members were advised of the process in place for negotiation, decision, monitoring and enforcement of such agreements and that this policy was regularly reviewed.

In response to a question regarding clawback dates, the Planning Policy Manager advised that these started from receipt of the relevant monies and clarified that the Council was only liable for monies where it was the recipient.

A particular development and its S106 arrangements and Essex County Council's assessment of costs were raised by a Member and in response the Planning Policy Manager advised he would look into this and advise all Members accordingly.

Members were advised that payments were index linked to inflation and cost appraisals had to take into account any limitations that a S106 agreement may have and any

options for further funding. Following this the Council has to decide whether to proceed with that particular project taking into consideration the implications.

RESOLVED that the contents of the report be noted.

440. BROWNFIELD LAND REGISTER

The Committee considered the report of the Chief Executive updating on work to prepare and publish a Brownfield Land Register, following the issue of guidance by the Department for Communities and Local Government (DCLG) on 28 July 2017.

An extract from National Planning Practice Guidance was attached at Appendix 1 to the report. It was noted that preparation of a Brownfield Land Register would involve a two stage process and a diagram explaining this was attached at Appendix 2.

The report detailed the work involved in each of the following parts and it was noted that part 2 would only take place following a suitability, availability and achievability assessment and consultation.

- Part 1: Identifying potential brownfield sites
- Part 2: Identifying sites for 'permission in principle'

In response to a question the Planning Policy Manager outlined the process and explained that currently 300 sites were being assessed.

RESOLVED

- (i) that the Brownfield Land Register guidance outlined in the report be noted;
- (ii) that draft Part 1 of the Brownfield Land Register be brought to the next meeting of this Committee (16 November 2017) for consideration.

441. MALDON DISTRICT GREEN INFRASTRUCTURE STRATEGY

The Committee received the report of the Chief Executive presenting the project brief for the Maldon District Green Infrastructure Strategy (Appendix 1 to the report).

It was noted that the need for a District wide Green Infrastructure Strategy had been identified in the Local Development Plan (LDP) Scheme in February 2016 and Appendix 1 would form the remit for consultants to prepare that strategy.

RESOLVED that the Maldon District Green Infrastructure Strategy Project Brief be noted.

442. HISTORIC REVIVAL WATERFRONT PROJECT OUTCOMES

The Committee considered the report of the Director of Customers and Community updating Members on progress made towards the completion of the Coastal Revival Funded, Historic Waterfront, Revival Project.

The report provided detailed background information regarding the project, including its links to the Maldon and Heybridge Central Area Masterplan and the aims of the feasibility study undertaken. A number of project outputs were set out in the report and an executive summary of the Historic Waterfront Project report was provided at Appendix 1. Appendix 2 set out the required project outputs, a summary of the consultants findings and how the Council may wish to take forward each output to delivery.

Councillor S J Savage raised some concern regarding the accuracy in relation to a map showing footpaths and in response the Chairman requested that he raise his concerns with the Group Manager (Leisure, Countryside and Tourism) outside of the meeting.

In response to a question, the Urban Design Officer provided the Committee with an update regarding the Combined Military Museum and discussions regarding relocation.

Some concern was raised regarding the ability to view documents containing large graphical images through the Modern.Gov system. In response, the Committee Services Supervisor advised that Committee Services were looking at ways to reduce the size of agenda packs.

RESOLVED

- (i) that the findings of the consultants employed to undertake the Historic Waterfront Revival Project be noted;
- (ii) that comments be collated

RECOMMENDED

- (iii) that the Council's Corporate Projects Task and Finish Working Group be requested to manage the next steps of the project as set out in **APPENDICES 2 and 3** and below:

The Consultants recommendations are set out in the following list. The main project should be an application to the Heritage Lottery Fund Parks for the People fund for work that involves:

- restoring the qualities of the historic Edwardian park.
- creating a park café with new toilets for the public and changing rooms for the splash park to replace the current toilet block. We (the consultants) think that it would probably be optimal for it to incorporate a flexible space that can incorporate community events of different type and functions such as weddings. It would probably be a popular facility and offer a good return on investment.
- improving the appearance of the kiosks (if not replaced) and creating a more attractive outdoor seating area in their vicinity.
- extending and modernising Maldon District Museum, and employing a curator – manager. Maldon District Council (MDC) should help the museum to take a wider role in conserving and telling the whole Maldon story, including the maritime heritage.

- replacing the public realm at Hythe Quay with surfacing that is more attractive and in keeping with the heritage, and reduces the impact of parking, while not compromising the operation of the businesses there.
- adapting the Bailiff's workshop and classroom occupied by the Gig Club to provide flexible ground floor space that can be used for activities of different sort.
- providing a better interpretation and wayfinding system, including panels that tell the story of the Battle of Maldon and Maldon Salt. This would ideally extend to the town centre and along the river.

443. MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN - ADOPTION AS SUPPLEMENTARY PLANNING DOCUMENT

The Committee considered the report of the Chief Executive presenting the final version of the Maldon Heybridge Central Area Masterplan (the Masterplan) (Appendix 1 to the report).

It was noted that the final copy of the Masterplan incorporated all of the approved amendments following the public consultation and consideration by this Committee which had resolved to remove 'the bridge' across the River Chelmer from the masterplan.

The revised Project 7 Heybridge Creek Connection was attached at Appendix 2 to the report) and highlighted a number of amendments made.

In response to concern raised regarding key intervention six as shown in Appendix 1 to the report, the Urban Design Officer explained that what was shown in the Appendix was indicative and any bollards, surface treatment, signage etc. would be subject to a full highways audit for safety and accessibility.

RESOLVED

- (i) that the changes to the Maldon and Heybridge Central Area Masterplan as set out in this report including removal of the bridge across the River Chelmer, be agreed;

RECOMMENDED

- (ii) that the Maldon and Heybridge Central Area Masterplan (as set out in Appendix 1 to the report), be adopted.

444. MALDON DISTRICT DESIGN GUIDE - REPORT ON PUBLIC CONSULTATION AND PROPOSED AMENDMENTS

The Committee considered the report of the Chief Executive presenting the findings of the comments received through public consultation on the Maldon District Design Guide (the Guide). The report also outlined a number of proposed amendments and additions to the Guide and seeking endorsement for Officers to prepare a final document for endorsement and subsequent adoption as a Supplementary Planning Document.

The draft Maldon District Design Guide was attached as Appendix 1 to the report. It was noted that 20 responses to the public consultation had been received and these were detailed in Appendix 2. Appendix 3 set out the responses, policy responses and proposed amendments.

The Guide set out the design considerations and design quality expected in the District for all development proposals and aligned with the Local Development Plan. It was noted that once adopted, the Guide would become a material consideration in the planning process.

Councillor A K M St. Joseph commented on the photographs of woodlands used in the introduction to the Design Guide and suggested that alternatives be sought. The Urban Design Officer advised that she would contact Councillor St. Joseph regarding this outside of the meeting.

The Chairman thanked the Urban Design Officer for her work on this project.

RESOLVED

- (i) that the proposed amendments to the draft Maldon District Design Guide following public consultation be approved;
- (ii) that the Chief Executive be authorised to prepare the final Maldon District Design Guide for adoption as a Supplementary Planning Document by the Council.

445. LONDON SOUTHEND AIRPORT: CONSULTATION CONCERNING THE INTRODUCTION OF NEW APPROACH PROCEDURES

The Committee received the report of the Chief Executive providing an overview of and seeking Members' views on a consultation being undertaken by London Southend Airport (LSA) on new procedures for the approach to the airport.

Councillor Mrs P A Channer advised that she had requested this matter be brought before the Committee. The Planning Policy Manager report that Councillor P G L Elliott (the Council's representative on the Southend Airport consultative body) and himself had recently attended a meeting with the air traffic control manager at LSA with representatives of Burnham-on-Crouch Town Council.

It was noted that the consultation related to proposed changes to the approach patterns for aircraft onto the final approach path into the airport. Members were advised that the proposals were part of a worldwide, European and UK roll out of performance based navigation designed to make the control of airspace around airports more efficient and safe. The report contained a number of maps which sought to illustrate the changes.

In response to a question, the Planning Policy Manager informed the Committee that routes highlighted by the LSA where possible mirrored those currently used and sought to minimise urban area over flight.

There was some discussion regarding over flying planes and the height of these, in response the Planning Policy Manager advised that this was not part of the consultation

but LSA at the recent meeting had been keen to identify the complaints procedure on their website should anyone have any concerns.

Councillor A S Fluker declared an interest in this item of business as he had written to the consultation team on behalf of the residents of Southminster, Asheldham and Dengie.

RESOLVED that the contents of the report be noted.

446. CODE OF GOOD PRACTICE AND GUIDANCE ON THE CONDUCT OF PLANNING MATTERS

The Committee considered the report of the Chief Executive seeking endorsement of the Code of Practice and Guidance on the Conduct of Planning Matters (attached as Appendix 1 to the report) prior to it being adopted by the Council as part of its Constitution in the light of further revision.

Following consideration and comments made by this Committee in June 2017, it was noted that the Chairman and Vice-Chairman of this Committee along with the Leader and Deputy Leader of the Council had met with Officers to review the document. The report set out the changes made to the document including Member training along with proposed changes to the constitution and site visit guidelines.

RECOMMENDED

- (i) that the Code of Practice and Guidance on the Conduct of Planning Matters (**APPENDIX 4** to these Minutes) be endorsed and the Council is recommended to adopt it as an annexe to the Constitution;
- (ii) that the changes to constitutional arrangements as set out below, be agreed:

Procedure Rule 13 – Voting

Add to (1) – If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he/she shall not vote on the matter.

Planning and Licensing Committee Scheme of Delegation

To the Chief Executive (Director) –

In consultation with the Chairman of the Committee, to review the accuracy of agreed planning conditions due to the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a S106 planning obligation.

Terms of Reference of Area Planning Committees

Delete provision (a) – To consider and report to the Council

Amend existing para. (b)(i)11 by the deletion of “The approval of”

447. APPROVAL OF THE MALDON DISTRICT HERITAGE AT RISK REGISTER 2017

The Committee considered the report of the Chief Executive seeking approval of the Maldon District Heritage at Risk Register 2017 (attached as Appendix 1 to the report) for publication.

It was noted that Policy D3 of the Maldon District Local Development Plan set out the Council's objective of 'safeguarding, enhancing and promoting the historic environment'. An up-to-date Heritage at Risk Register, which highlighted and promoted the Districts most vulnerable heritage assets was an essential tool in meeting these objectives. Members were advised that once approved the Register would be published on the Council's website and reviewed annually.

RESOLVED that the Maldon District Heritage and Risk Register 2017 be approved for publication.

There being no further items of business the Chairman closed the meeting at 8.57 pm.

MRS P A CHANNER, CC
CHAIRMAN