



**MINUTES of
PLANNING AND LICENSING COMMITTEE
16 NOVEMBER 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

581. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

582. APOLOGIES FOR ABSENCE

There were none.

583. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 14 September 2017 be approved and confirmed.

584. DISCLOSURE OF INTEREST

Councillor S J Savage disclosed a non-pecuniary interest in relation to Agenda Item 16 - Draft Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document and Proposed Public Consultation – as he had very low carbon usage.

Councillor M F L Durham CC advised that he was also a Member of Essex County Council and declared a non-pecuniary interest in relation to any matters pertaining to that Authority.

Councillor Mrs P A Channer CC advised that she was also a Member of Essex County Council and declared a non-pecuniary interest in relation to any matters pertaining to that Authority.

585. PUBLIC PARTICIPATION

No requests had been received.

586. ECONOMIC DEVELOPMENT UPDATE

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 Committee commented that the Economic Development & Partnerships Manager was performing exceptionally well and was receiving good feedback from outside the Council. The Chief Executive confirmed that she would share this feedback with the Economic Development & Partnerships Manager.

RESOLVED that the contents of the report be noted.

587. 2018 / 19 REVENUE BUDGET AND FEES AND CHARGES

The Committee considered the report of the Director of Resources, the purpose of which was to consider the revenue growth and fees and charges policy proposals that have been put forward by Officers, prior to the approval of the 2018/19 budget and updated Medium Term Financial Strategy (MTFS) in January 2018.

The Chief Executive presented the report and drew Members' attention to the section of the report regarding Planning Services. The Chief Executive highlighted that it had been necessary to pay market supplements to attract staff, resulting in increased salary costs. The Chief Executive advised Members that the post of Enforcement Assistant was adding value.

The Planning Policy Manager advised that the Planning Policy Report contained an item regarding Recreational Avoidance and Mitigation Sites (RAMS). This was a strategic issue raised by Natural England and Maldon had some of the major European protected sites within its District. It was proposed that the Council work with other Essex Districts to put together a strategy. Working as part of a group would be beneficial to residents and would incur a cost of £11,000 which could be taken from the Local Development Plan (LDP) reserve. This report was discussed in further detail later in the meeting.

The Group Manager – Planning Services highlighted the section on Building Control which was part of a review being undertaken as requested by Members. It was intended that the viability of this service would be increased through promoting the service and increasing the Council's market share. The Group Manager – Planning Services advised that a paper would be coming forward to the Planning and Licensing Committee on this. There were a number of options to be considered.

In response to a question, the Chief Executive advised that there had been difficulties in recruiting planners and that market supplements had been used. There were difficulties across the region in recruiting planning staff. The Chief Executive confirmed that the policy would go back to the Finance and Corporate Services Committee in January

2018. There was a need to include a clause that in the event that a member of staff who had received a market supplement left the Council within two years, then they would have to repay that market supplement.

In response to a question regarding the uplift contained in the Housing White Paper, the Group Manager – Planning Services advised that the legislation would automatically come in to force in due course.

The Chief Executive updated Members on various other parts of the report:

- Homelessness Reduction Act – this was a new statutory requirement;
- Building Control – a greater level of service resilience would be provided by the proposed changes;
- Enforcement – the Enforcement Officer was adding value and extending the contract would continue to assist with improvements in this area;
- Major Applications – that the proposed growth would be removed as a Major Applications growth item.

The Chairman requested that the Minutes of this meeting be circulated to Members of the Finance and Corporate Services Committee to aid the debate of this item at that Committee.

RESOLVED

- (i) that the contents of the report be noted;

RECOMMENDED

- (ii) that the Finance and Corporate Services Committee be recommended:
- to Consider the proposals set out in **APPENDIX A** to the report for growth items;
 - that the updated fees and charges policy areas within the purview of this Committee outlined in **APPENDIX B** to the report for 2018/18 be adopted.

588. COUNCILLOR ENGAGEMENT IN PRE-APPLICATION DISCUSSIONS AND LOCAL DEVELOPMENT PLAN DISCUSSIONS (DEVELOPER MEETINGS)

The Committee received the report of the Chief Executive, the purpose of which was to consider and agree revisions to the protocol for Councillor Engagement in Pre-Application Discussions and Local Development Plan Discussions.

RESOLVED that the Councillor Engagement in Pre-Application Discussions and Local Development Plan Discussions (Developer meetings) be amended as set out in **APPENDIX 1** to these Minutes.

589. AREA OF SPECIAL CONTROL FOR ADVERTISEMENTS

The Committee received the report of the Chief Executive, the purpose of which was to review the existing Area of Special Control Order in terms of whether it should be modified or revoked.

The Group Manager – Planning Services advised that it was necessary to review this Order every 5 years and recommended that the restrictions remain in force.

In response to a question, the Group Manager – Planning Services advised that whilst advertisements were generally subject to a separate consent process, the Order placed additional restrictions on the display of advertisements.

RESOLVED that the Area of Special Control Order be retained without modification.

590. TAXI AND PRIVATE HIRE CRIMINAL CONVICTIONS POLICY, LICENSING CONDITIONS AND SCHEME OF DELEGATION

The Committee received the report of the Chief Executive, the purpose of which was to consider a draft policy for the taxi and private hire trade in relation to the suitability of new applications and current licence holders with criminal convictions; to make changes to the taxi and private hire licensing conditions and the scheme of delegation to reflect the draft policy and to bring it up to date.

The Chairman advised the Committee that this report had come forward as a result of concerns raised by Councillor B F Acevedo. Members were concerned about the arrangements for dealing with property left in taxis. It was agreed that the Chairman, in consultation with the Licensing Officer and the Senior Solicitor, would discuss this and update the policy to include the appropriate wording. Subject to this, the Committee recommended that the policy be endorsed by Council.

RECOMMENDED to the Council:

- (i) that the policy for the taxi and private hire trade in relation to the suitability of new applicants and current licence holders with criminal convictions (set out in Appendix 2 to the report) be endorsed;
- (ii) that the licensing conditions and scheme of delegation be updated and changed to reflect the policy.

591. TAXI AND PRIVATE HIRE MEDICAL EXEMPTION POLICY

The Committee received the report of the Chief Executive, the purpose of which was to consider a policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 and to consider an amendment to the taxi and private hire licensing conditions to take account of the new duties placed upon drivers of designated wheelchair accessible vehicles.

RECOMMENDED to the Council:

- (i) that the policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 (Appendix 1 to the report) be endorsed;
- (ii) that the amendments to the taxi and private hire licensing conditions (as set out in paragraph 3.1.6 of the report) be agreed.

592. DENGIE GATEWAY PROJECT OUTCOMES

The Committee received the report of the Director of Customers and Community, the purpose of which was to update the Committee on progress made towards the completion of the Dengie Gateway Project that was funded by the Coastal Communities Fund.

The Chief Executive showed Members a brief presentation and stressed the importance to the District of the growth in tourism. The Chief Executive drew Members' attention to the following:

- the Visit Maldon website was working well;
- the We Are Maldon website was now available to businesses;
- newsletters were produced weekly to promote what was available in the District;
- the Saltmarsh 75 event was growing year-on-year;
- the Tollesbury/Saltmarsh Hub and the Heybridge Basin Hub had both recently opened;
- maps had been developed.

In response to a question, the Chief Executive confirmed that marketing materials referred to the Sense of Place graphics.

Concern was raised about online searches being directed to Google sites rather than the Visit Maldon and We Are Maldon websites. Members were advised that the issue of social media was currently being looked into by Officers.

Members also raised concern about the lack of hotel accommodation within the District. There was an appetite from visitors to follow a grain trail/museum trail and it was suggested that tourist attractions could work together to plan routes. If this was developed it may encourage hoteliers to the District, which would enable visitors to stay longer.

Officers were asked if there was to be a follow-up and destination management strategy to ensure that the high standards were maintained alongside marketing of the District. The Chairman would follow this point up with Officers.

RESOLVED

- (i) that the Project Outcomes of the Dengie Gateway Project be noted;
- (ii) that Members provided comments on and noted the contents of the Destination Marketing Strategy (Appendix 1 to the report).

593. PLANNING POLICY UPDATE

The Committee received the report of the Chief Executive, the purpose of which was to provide an update on local, sub-regional and national planning policy matters including duty to cooperate, neighbourhood plans, A12 and A120, five year housing land supply, Gypsy and travellers, London Plan and Recreational Avoidance and Mitigation Strategies.

The Planning Policy Manager presented the report and drew Members' attention to the following:

- The Examination hearing for the (Section 1) Braintree, Colchester and Tendring joint local plan hearing would commence on 16 January 2018 and the Council had until 4 December 2017 to make any representation to the Inspector's Matters, Issues and Questions;
- Officers had attended a meeting of Mayland Parish Council and progress was being made on its Neighbourhood Plan;
- The Neighbourhood Plan section should also include Wickham Bishops and a verbal update was provided;
- The current year's assessment of the Five Year Housing Land Supply had been completed and the Council could demonstrate 6.28 years' of housing land supply;
- The London Plan – it was likely that ¹some of the housing need would impact on Essex and consultation on the Plan is due to start in early December 2017.

A Member advised that the Latchingdon Neighbourhood Plan was no longer proceeding. The Planning Policy Manager would check this and advise Members accordingly.

Concern was raised regarding the Recreational Avoidance Mitigation Strategy (RAMS) and that there would not be a benefit to the District. The Planning Policy Manager advised that plans had been challenged for not including a RAMS strategy. The intention was that cross Essex RAMS strategy is developed to address the recreational impact of development growth in other parts of Essex. If the Council joined with a group of other local authorities, then it could raise its own issues and have them placed on the agenda to be discussed. The funding for this would be in the region of £11,000 and would come from the LDP budget. If we did not work as part of the Essex consortium on this, then the Council would need to implement this strategy alone and have less influence on addressing the impact of increased recreation on parts of the District.

The Chairman requested a Member Seminar on both RAMS and the Coastal Path so that Members could be better informed.

Members debated RAMS and raised concerns about the additional burden that it would place upon the District. Although our LDP had been approved it was possible that it may have to be reviewed following the revised NPPF coming forward. There were four significant sites within the Maldon District, so there would be a significant impact on the District. Officers were of the opinion that by being part of a group with other local authorities the Council would be in a better position to protect the District.

¹ Minute No. 764 (25/01/18)

In response to a question, the Planning Policy Manager advised that European designation of sites would be incorporated into the Repeal Bill.

RESOLVED that the Planning Policy update outlined in the report be noted and at the appropriate time matters for decision would be brought to this Committee for consideration.

594. BROWNFIELD LAND REGISTER

The Committee received the report of the Chief Executive which provided an update on preparing and publishing a Brownfield Land Register.

The Planning Policy Manager advised Members that Part 1 of the Brownfield Land Register must be published by 31 December 2017.

RESOLVED

- (i) that the preparation of the final Brownfield Land Register (Part 1) be approved; and

RECOMMENDED to the Council

- (ii) that the publication of the Brownfield Land Register on the Council's website be approved.

595. PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES

The Committee received the report of the Chief Executive setting out proposals from the Government for proposed reforms to the planning system and in particular the way new homes were planned and distributed. This formed part of the follow up to the Housing White Paper 2017.

The Chairman drew Members' attention to the Addendum setting out the Council's response to the Department of Communities and Local Government. The response to Question 3 as set out in the Addendum should read "*This is vital if the policies are to be tested through Examination.*"

The Planning Policy Manager presented the report and, in response to a question, advised that the Council's next Local Development Plan would need to address housing mix. The Government had identified this in the Housing White Paper. For Maldon the Objectively Assessed Need (OAN) would be 302 dwellings, whereas the Council's Local Development Plan proposed 310 dwellings per annum.

The Planning Policy Manager highlighted that the Statement of Common Ground would replace the current duty to cooperate and would need to be in place within 12 months of the revised National Planning Policy Framework.

In respect of Neighbourhood Planning, the Government was proposing to amend policy so that Local Planning Authorities were expected to provide a housing need figure to

neighbourhood planning groups, where necessary, in order to progress plan making. Work was ongoing within the Essex Planning Officers Association to standardise approaches.

There was concern that this process could be put off local areas from engaging and that the principles of neighbourhood plans would be negated.

RESOLVED that the draft response be revised to take into account the views of the Committee, approved by Officers in consultation with the Chairman of the Planning and Licensing Committee and submitted as the Council's formal response to the consultations.

596. DRAFT MALDON DISTRICT RENEWABLE AND LOW CARBON TECHNOLOGIES SUPPLEMENTARY PLANNING DOCUMENT AND PROPOSED PUBLIC CONSULTATION

The Committee received the report of the Chief Executive which sought the Committee's approval of the Draft Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document (SPD) (Appendix A to the report) to go out to public consultation.

The Planning Policy Manager presented the report and advised Members that the Local Development Plan referred to this document. There were strategic policies in place and this document provided both additional detail and context for newcomers to the District. There was greater certainty for applicants and the document identified the most appropriate forms of technology and allowed greater control.

Councillor S J Savage reiterated his earlier declaration and considered that there were certain items in the report that were out of date. Technology he had personally used was not referred to in the report. Councillor Savage confirmed that he would provide Officers with detail of the technology he used.

In response to a question, the Planning Policy Manager advised that the technologies referred to were general technologies and that the report would be reviewed and could either brought back to this Committee or agreed in consultation with the Chairman of the Planning and Licensing Committee.

RESOLVED that the Draft Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document (SPD) be approved for public consultation, following a review by Officers in consultation with the Chairman of the Planning and Licensing Committee.

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

The Committee received the report of the Chief Executive which sought endorsement of the Code of Practice and Guidance on the Conduct of Planning Matters (Appendix 1 to the report) for recommendation to the Council for adoption as part of its Constitution in the light of further revision.

The Chairman advised that this report had come back to this Committee as the version taken to Council had been incorrect. This was the correct version.

RECOMMENDED to the Council:

- (i) that the Code of Practice and Guidance on the Conduct of Planning Matters (Appendix 1 to the report) 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 in paragraph 3.11 of the report, be agreed.

There being no further items of business the Chairman closed the meeting at 9.26 pm.

MRS P A CHANNER, CC
CHAIRMAN