



**MINUTES of  
PLANNING AND LICENSING COMMITTEE  
25 JANUARY 2018**

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**PRESENT**

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

**754. CHAIRMAN'S NOTICES**

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

**755. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H M Bass and M R Pearlman. In accordance with notice duly given, Councillors B E Harker and Mrs B D Harker respectively were substituting for Councillors Bass and Pearlman.

**756. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 16 November 2017 be received.

**Minute No. 593 – Planning Policy Update**

The final bullet point of the second paragraph on page 469 should read:

*“The London Plan – it was likely that some of the housing need would impact on Essex and consultation on the plan is due to start in early December 2017.”*

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 16 November 2017 be confirmed.

## **757. DISCLOSURE OF INTEREST**

Councillor M F L Durham CC disclosed that he was also a Member of Essex County Council and declared a non-pecuniary interest on any Agenda item pertaining to that organisation.

Councillor Mrs P A Channer CC disclosed that she was also a Member of Essex County Council and declared a non-pecuniary interest on any matters relating or referring to Essex County Council.

## **758. PUBLIC PARTICIPATION**

No requests had been received.

## **759. FULMAL1701192 AND LBCMAL1701193- VAULTY MANOR, GOLDHANGER ROAD, HEYBRIDGE**

The Committee received the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

<b>Application Number</b>	<b>FUL/MAL/17/01192</b>
<b>Location</b>	Vaulty Manor Goldhanger Road Heybridge Essex
<b>Proposal</b>	Alterations to openings and internal partitioning of stable ranges to provide new reception/WC areas in place of existing ancillary guest/staff accommodation.
<b>Applicant</b>	Mr Christopher Powdrill
<b>Agent</b>	Mr Robert Pomery - Pomery Planning Consultants Ltd
<b>Target Decision Date</b>	26 January 2018
<b>Case Officer</b>	Kathryn Mathews, TEL: 01621 875805
<b>Parish</b>	<b>GOLDHANGER AND HEYBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

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<b>Reason for Referral to the Committee / Council</b>	Major Application

**RESOLVED** that application FUL/MAL/17/01192 be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

And

**RESOLVED** that application LBC/MAL/17/01193 be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 Prior to the commencement of the development hereby approved, details or samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority.
- 4 No development shall take place until large scale drawings (1:20) of all new window frames, external doors and door frames and section details at 1:2 of the head, jamb, cill and glazing bars have been submitted to and approved in writing by the local planning authority. The drawings are to show typical section profiles and materials to be used. The development shall then be carried out in accordance with the approved details.

## **760. ECONOMIC DEVELOPMENT UPDATE**

The Committee received the report of the Chief Executive, the purpose of which was to update Members on key issues and provide an opportunity for feedback and input.

The Director of Planning and Regulatory Services presented the report to the Committee drawing attention to The Maldon District Enterprise Centre feasibility study (para 2 of the Appendix to the report) and the successful bid for £60k funding which was matching funded by £10k from Essex County Council (ECC).

The National Transport Strategy (para 8 of the Appendix to the report) was also highlighted and Members were advised that Officers had informed ECC that the Council did not intend to take action on possible re-opening of closed railway lines.

Councillor S J Savage spoke on this and was of the opinion that Officers should not have made this decision and should consulted Members within whose remit it was to make such a decision.

The Leader of the Council advised that although the idea was a good one in principle, in practical terms it would be almost impossible to implement.

In response to a question about the Burnham-on-Crouch Chamber of Commerce (para 4.2 of the Appendix to the report), the Chairman advised that it had been the bus tour's final event and not the last event for the Burnham-on-Crouch Chamber of Commerce. Furthermore, there was to be an event at the end of January regarding Apprenticeships.

The Director of Planning and Regulatory Services confirmed that this was the case.

Questions were raised about the speed of superfast broadband in the Purleigh and Heybridge areas and the difficulties of going paperless at meetings if downloads were slow.

A request was made that as Economic Development was a discretionary service it would be useful for the Committee to see projected outcomes for projects, so that it would be possible to track what this service area was providing both to the Council and the District.

The Chairman highlighted that economic prosperity, including tourism, was very important to the District and that a report on this would be welcomed. It was agreed that corporate goals should have outcomes. However, all Committees that reflected on corporate goals should have reports presented to them in the same way. If changes to reports were to be made, then this should go across all Committees and the Council. It should perhaps be the Council that looked at this and made any decision.

The Leader of the Council advised that the Economic Development Manager had been visiting various places throughout the District and had received very good feedback. However, it was necessary to get some idea of a positive outcome in terms of a return to the Council. In future a more targeted report to include outcomes would be welcomed.

The Director of Planning and Regulatory Services confirmed that he would review the structure of these reports.

The Committee was advised that the Causeway Business Forum Meetings were very successful and that an Apprenticeship Event was planned for 7 March 2018.

**RESOLVED:**

- (i) That the structure of Economic Development reports be reviewed;
- (ii) That future Economic Development reports would include projected outcomes.

**761. PLANNING POLICY UPDATE**

The Committee received the report of the Director of Planning and Regulatory Services which provided an update on local, sub-regional and national planning policy matters including Duty to Cooperate and Essex Local Plans, Strategic Transport update, London Plan and legislative changes as they affected planning policy.

The Director of Planning and Regulatory Services advised the Committee of updates that had occurred since the report was drafted:

**Duty to Cooperate:**

- Chelmsford City Council - had a draft pre-submission plan approved on 18 January 2018 and it would be published for 6 weeks consultation on 31 January 2018. There were plans for 7k new homes at South Woodham Ferrers and a report on this would be presented to the next Planning and Licensing Committee.
- North Essex Joint Local Plan examination was due to close on 25 January 2018
- Basildon Borough Council - had sent the Council duty to cooperate meeting request for 15 February 2018 for both Members and Officers.
- Brentwood Borough Council - a further round of preferred options consultation was to commence at the end of January 2018.
- Rochford District Council – has commenced an issues and options consultation for their Local Plan with a closing date of early March 2018.
- Tiptree Parish Council – there was an exhibition of their neighbourhood plan due on 7 February 2018. This could have an impact on the north of the District.

**A120 Route Options**

- A12 - there was a Community Forum on 30 January 2018.
- A12 – forum at Witham on 22 January 2018 had been cancelled.
- A120 – policy forum was taking place on Friday 26 January 2018.

Essex Planning Policy Portfolio Holder and Chairman meeting had taken place on 17 January 2018 and notes of that meeting would be forwarded to the Chairman of this Committee. Key issues covered were integrating health into planning policy, Essex Highways taking account of the cumulative impact of development; a standardised approach to Section 106; issues around retaining and attracting planning workforce and the launch of the Essex Design Guide. Finally, there would be a county-wide response to The London Plan.

The Chairman highlighted that it was important that matters from meetings held at County level were fed back to this Committee.

The Chairman advised Members:

- That there would be a separate report on the Local Development Scheme (LDS) later in the meeting.
- There would be a report to the Committee on the response on consultation to The London Plan.
- There was a new legislative requirement for a review of the Local Development Plan (LDP) and Statement of Community Involvement every five years.
- Through new legislation, the Secretary of State now has powers to direct local planning authorities to prepare a strategic plan for their area, as this would provide a local alternative to the Secretary of State's intervention.

The Leader of the Council advised that Basildon Council was one of 14 authorities that had been put on notice by the Secretary of State to produce a plan by 31 March 2018.

There was concern about The London Plan and Members were advised that a consultation response was required by 1 March 2018 and that Officers would be providing a robust response on its contents. The plan would have an impact on districts

outside London. There would be a report to the Planning and Licensing Committee in March 2018 on this.

Concern was raised about the impact the London Plan would have upon the District and the availability of affordable homes.

By way of clarification the Leader of the Council advised that there was a South East of England Assembly in London on Friday 26 January 2018 where the Mayor of London was to provide more detail on the London Plan.

“A Green Future: our 25 Year Plan to Improve the Environment” – Members requested a report on the Government’s long term environmental strategy in due course.

**RESOLVED:**

- (i) That the Committee receive the Planning Policy Update outlined in the report and that any matters for decision be brought back to the Committee as required;
- (ii) That a report on “A Green Future: our 25 Year Plan to Improve the Environment” be brought to this Committee at a future date;
- (iii) That a report on the London Plan be brought to this Committee at a later date.

**762. LOCAL DEVELOPMENT SCHEME 2018**

The Committee received the report of the Director of Planning and Regulatory Services, the purpose of which was to seek endorsement for an update to the Council’s Local Development Scheme (LDS) following the approval of the Maldon District Local Development Plan (LDP) in July 2017.

The Principal Planning Policy Officer advised that there was a statutory requirement for the Council to have an LDS which is a project plan for the Council’s planning policy documents for the next year.

She advised that a consultation on the Renewable Energy and Low Carbon Technologies Supplementary Planning Document (SPD) was about to commence and that it was intended that consultations on the Affordable Housing and Vehicle Parking Standards SPD’s would be consulted on this year.

Officers also recommended a Specialist Housing SPD. The Council was receiving more enquiries about older peoples’ housing, therefore, it made sense for the Council to have detailed guidance on this subject.

There was also to be a Recreational Avoidance Mitigation Strategy (RAMS) SPD setting out how the Council could secure financial contributions from new developments to mitigate recreational impacts upon international and nationally protected wildlife sites in the District.

Officers were currently undertaking a review of the Statement of Community Involvement (SCI) which would be brought to this Committee over the summer of 2018.

The work on the Community Infrastructure Levy (CIL) was ongoing and it was hoped that there would be an examination before the end of the year.

A question was asked as to when the Specialist Housing SPD (outlined in 3.1.4 of the report) would be coming forward and the Officer advised that this was detailed on page 51 of Appendix 1 to the report. It was requested that this be brought forward and the Chairman advised that March 2018 may be a realistic date. The Group Manager – Planning Services confirmed that currently each application would be dealt with in accordance with the LDP, particularly Policy H3 and its evidence base including the Strategic Housing Market Assessment (SHMA) which would protect the District from speculative developers in the interim. However, supporting detailed documents would also be beneficial in the longer term.

In response to a request to bring the September 2018 deadline forward the Officer advised that before then it was necessary to have a 6 week consultation, assess comments and revisit the SPD if necessary. The deadline of September was for the SPD to go to the Council, although the consultation draft and final draft (following consultation) would be brought to this Committee prior to consideration by the Council in September 2018.

Councillor A K M St. Joseph raised concerns regarding Reasonable Avoidance Measures (RAMS) and was of the opinion that whereas there had been a lot of discussion on this at previous meetings, it was unlikely that this would provide any benefit to this Council, despite a contribution towards it.

Members were reminded that there was a seminar on 7 February 2018 at which Natural England would be making a presentation on RAMS.

The Officer confirmed that Natural England was aware of Councillor St. Joseph's concerns around the timing of surveys in relation to and the breeding season of birds. It was hoped that Natural England would be able to provide an update at the meeting on 7 February.

The Chairman requested that Maldon District Council be referred to in paragraph 26 of the Appendix to the report because the Council was involved.

It was requested that Members/Officers refer to page numbers of reports so assist those Members that were using electronic copies of the Agenda.

**RECOMMENDED** to the Council:

- (i) That paragraph 26 of the Local Development Scheme (attached as **APPENDIX 1** to these Minutes) be amended to include reference to the Maldon District Council;
- (ii) That subject to (i) above, the Local Development Scheme be approved as the project plan for key planning policy documents over the next 12 months.

### 763. UPDATE ON APPEAL DECISIONS (APRIL-SEPTEMBER 2017)

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

The Chairman drew attention to paragraph 3.8 of the report highlighting the Council's performance against the government target.

The Group Manager – Planning Services advised that six monthly updates were reported to this Committee which now included information on costs awarded. The Council's performance had significantly improved compared to the historical position and that there was roughly consistency of around 65% for the last 18 months.

During this quarter the Council's performance against the government target was 10%. The Council had lost no major appeals during this period. The Group Manager – Planning Services advised that the report only covered the period to September 2018.

The Committee requested that future reports include the section on costs awarded even if there had been none awarded against the Council. If the figure was zero it should still be included.

**RESOLVED** that Members' comments on the contents of the report and the performance of the Local Planning Authority at appeal be recorded.

### 764. HALF YEARLY REVIEW OF PERFORMANCE

The Committee considered the report of the Chief Executive providing 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. Members were reminded that this report went to all programme Committees and reporting was on an exception basis.

Members considered items in the Appendix to the report relating to this Committee in particular:

- Co-ordinate work with housing associations and developers to provide affordable housing and meet the identified requirements for older persons' independent living within the District – the wording in the comments box should read "Officers have been working with developers to understand the proposed schemes *that* have come forward ...". This was noted.
- Work with partners to deliver the new Maldon Health Hub – the second paragraph stated that "*The Board has recently agreed to progress the development of the business case on the basis of no beds and including a midwifery-led birthing unit and this work is progressing*". It was requested that this comment be checked with the Performance and Risk Officer.

It was requested that a precis of complaints be received, particularly in relation to the planning department. It was also requested that the table show whether the complaints were stage 1 or stage 2 complaints. Furthermore, it was requested that a record of all



complaints be placed in the Members' Room and also Members signposted to where complaints could be located.

**RESOLVED**

- (i) that subject to the typographical change detailed above the information and comments provided in the report be received
- (ii) That a precis of complaints, particularly in relation to the planning department be received by the Committee;
- (iii) That a record of all complaints received be placed in the Members' Room and Members' advised of where complaint information is located.

**765. UPDATE TO THE CRIMINAL CONVICTIONS POLICY AND LICENSING CONDITIONS**

The Committee considered the report of the Director of Planning and Regulatory Services, seeking Members' agreement of an amendment to the licensing conditions for taxi and private hire drivers, following concerns raised at the last meeting of this Committee around the arrangements in place for property left in vehicles.

The Chairman advised that following consideration of the Criminal Convictions Policy and Licensing Conditions by this Committee she had been charged with discussing it with Officers. Since then the Criminal Convictions Policy had been agreed by the Council and did not require further discussion. However, an amendment to the licensing conditions was sought and section 3.1.3 of the report set out the intended amended condition:

*"The driver shall search the vehicle immediately after completion of a hiring for any property left by a passenger. If any such property is found, it shall be returned to the owner or reported on the Essex Police website within 48 hours. Records of lost property (including description of property; date returned to owner or reported on the Essex Police website; and date of disposal) to be maintained for twelve months."*

Section 3.1.2 of the report referred to Essex Police Policy and that policy had been considered when drafting the conditions.

**RESOLVED** that the amended licensing condition, as detailed above, be agreed.

**766. 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 item(s) of business on the grounds that they involve 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.

## **767. PLANNING ENFORCEMENT**

The Committee considered the report of the Chief Executive, the purpose of which was to provide the Council with an update on the current position of the Corporate Fraud and Enforcement Service, in respect of planning matters.

The Group Manager – Planning Services highlighted parts of the report which gave Members an update on the current position of the Corporate Fraud and Enforcement service in respect of planning matters and invited questions from Members.

Various issues were discussed in some detail, including the amount of cases open and those that had been closed, particular enforcement actions and prosecutions and also staffing and recruitment of the department.

There was a lengthy discussion about the Government's 20% increase in planning charges and Members were advised that it was a requirement that these be utilised within and for improving the planning service. Some concern was raised regarding whether these monies had been included in the Council's Fees and Charges.

Councillor A S Fluker proposed that an urgent item of business be raised at the next meeting of the Finance and Corporate Services Committee to ensure that the 20% increase in planning fees was incorporated into the 2018 / 19 Fees and Charges and the concerns of this Committee highlighted. This proposal was duly seconded and agreed.

The implications of the Proceeds of Crime Act 2002 (POCA) were also discussed.

### **RESOLVED**

- (i) that an urgent item of business be raised at the next meeting of the Finance and Corporate Services Committee to ensure that the 20% increase in planning fees was incorporated into the 2018 / 19 Fees and Charges and the concerns of this Committee highlighted;
- (i) That Members review and comments on the current position of planning enforcement be recorded.

## **768. BUILDING CONTROL**

The Committee received the report of the Chief Executive, the purpose of which was to update Members on the current position and future options for the delivery of Building Control within the Maldon District.

The Group Manager – Planning Services outlined the report and reminded Members that the requirement for building control was a statutory one.

A request was made that the Minutes recorded how helpful the building control team had been relation to a very complicated building project in Southminster.

Following a lengthy debate, Councillor M F L Durham CC proposed that the Council ascertains what new legislation was likely and then more detail could be obtained regarding all of the options outlined in the report (to include the hybrid suggested).

The proposal was duly seconded and upon a vote it was:

**RESOLVED**

- (i) that the contents of the report be noted and provided comment on the various options going forward;
- (ii) that further information on the available options outlined in the report be provided to this Committee, to include the suggestion of creating a company employing one full time member of staff and having a nucleus of AIs to call on as and when necessary.

Councillor A S Fluker wished Councillor S J Savage a Happy Birthday.

**Appendix 1**

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

MRS P A CHANNER, CC  
CHAIRMAN