



**MINUTES of
PLANNING AND LICENSING COMMITTEE
17 APRIL 2018**

PRESENT

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

1000. CHAIRMAN'S NOTICES

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

1001. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Bass and R G Boyce MBE.

1002. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 8 March 2018 be received.

**Minute 882 – Essex Coastal Recreational Avoidance and Mitigation Strategy
(RAMS) Update**

It was agreed that the 13th paragraph should be amended to read "...around tree screening planning and the fact that Northey Island was privately owned *and an important wildlife refuge.*"

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 8 March 2018 be confirmed.

1003. DISCLOSURE OF INTEREST

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 9 – Renewable and Low Carbon Technology Supplementary Planning Document, as he had had previous input into the Officers report.

Councillor M F L Durham declared a non-pecuniary interest as a member of Essex County Council and any item of business that was pertinent to that Authority.

Councillor A S Fluker declared in the interest of openness and transparency that in relation to Agenda Item 13 – River Blackwater Task and Finish Working Group Update he was a Maldon Harbour Commissioner.

Councillor Mrs P A Channer declared a non-pecuniary interest as a member of Essex County Council and any item of business that was pertinent to that Authority. She also declared a non-pecuniary interest in Agenda Item 11 – Draft Maldon District Affordable Housing and Viability Supplementary Planning Document: Stakeholder and Public Consultation, as she was a member of the Henry Guilden Drake Almshouse Trust. Councillor Mrs Channer also advised that she sat on the River Blackwater Coastal Community Team but was appointed to this group by Essex County Council.

1004. PUBLIC PARTICIPATION

No requests had been received.

1005. LEVEL 1 BUSINESS PLAN 2018/19 - PLANNING AND REGULATORY SERVICES DIRECTORATE

The Committee considered the report of the Director of Resources seeking Members' approval of the Level One Business Plan 2018 / 19 for the Planning and Regulatory Services Directorate, attached at Appendix 1 to the report.

The report reminded Members of the existing Corporate Plan for the period 2015 – 2019 which set the vision and corporate goals that the Council agreed to focus on over the four year period along with a suite of high level outcomes associated with each goal. The Level One Business Plan provided the priorities and targets within the Planning and Regulatory Services Directorate for the next 12 months.

Members discussed the business plan and in response to a number of questions the following information was provided:

- Key Corporate Activity (KCA) Implement the Homelessness Reduction Act to prevent and relieve homelessness – It was noted that each of the specific actions and tasks would have a project plan developed which would provide more specific detail to that detailed in the business plan.
- Officers agreed to ensure that formatting of the business plan was adjusted to show timescales aligned with specific actions / tasks.

Councillor A S Fluker proposed that the recommendation as set out in the report be agreed and thanked the Director of Planning and Regulatory Services for a good report.

RESOLVED that the part of the Level One Business Plan for the Planning and Regulatory Services Directorate for 2018 / 19 be agreed.

1006. ECONOMIC GROWTH UPDATE

The Committee received the report of the Director of Planning and Regulatory Services updating Members on key issues and providing an opportunity for feedback and input detailed in Appendix 1 to the report.

The Director of Planning and Regulatory Services presented the report and provided a number of updates and the following was noted:

- The document had been restructured to provide more outcome based information and highlighting activity linked with the Council's corporate goals.
- The available land and premises directory had now been completed and was being used in conjunction with Invest Essex to ensure that businesses from outside of the District were being attracted to the District.

It was noted that there was a formatting error with Appendix 1 to the report and the Director of Planning and Regulatory Services agreed to correct this and recirculate this to Members.

In response to a question regarding a request for details of any business in potential difficulty, the Director of Planning and Regulatory Services advised that this could be reported to Members on an exception basis.

Members noted the change to the reporting format of the Update and it was agreed that future Updates would be reported on a six monthly and exception basis.

RESOLVED

- (i) that the contents of the report and appendix be noted;
- (ii) that future Economic Development Updates be reported to the Planning and Licensing Committee on a six monthly and exception basis.

1007. PLANNING POLICY UPDATE

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

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

- Duty to Cooperate – Epping Forest Council had recently submitted its Local Plan for consultation.
- Stansted Airport – A planning application had been submitted to increase the current capacity of passengers per annum to 43 million but this would be within the current operation limit for 274,000 per annum. The Committee noted the information contained in the report regarding Stansted Airport but it was felt that impact would not be significant at this stage.

- Community Infrastructure Levy (CIL) – All Members had been invited to attend a workshop on 24 May to review the Infrastructure Delivery Plan. A report on CIL would be brought to the July meeting of this Committee and not June as detailed in the report.
- Recreational Avoidance and Mitigation Strategy (RAMS) - The Director of Planning and Regulatory Services reported that Mr Thomas, Head of Planning at Essex County Council would be attending the next meeting of this Committee to report back on RAMS. It was noted that the Director of Planning and Regulatory Services had requested regular meetings with Mr Thomas to discuss issues including concerns regarding the RAMS process to date. In response to a question, it was agreed that the Minutes of RAMS meetings would be placed on the I Drive for all Members to access.

It was noted that the Strategy would become a Supplementary Planning Document for 11 Districts which would need to be signed off by each of these District Councils.

It was clarified that the RAMS was commissioned through the Essex Planning Officers Association and Essex Place Services were the consultants.

RESOLVED

- (i). that the contents of the report including the proposed changes at Stansted Airport, be noted;
- (ii). that the updates on the following matters will be brought to a future meeting of the Planning and Licensing Committee:
 - Community Infrastructure Levy (July meeting)
 - Recreational Avoidance and Mitigation Strategy (June meeting)
 - New licensing rules regarding Great Crested Newts

1008. RENEWABLE AND LOW CARBON TECHNOLOGY SUPPLEMENTARY PLANNING DOCUMENT

The Committee received the report of the Director of Planning and Regulatory Services presenting the findings of representations received through public consultation on (as set out in Appendix 2) the Renewable and Low Carbon Technology Supplementary Planning Document (SPD) (attached as Appendix 1 to the report). The responses, policy response and proposed amendments were set out in Appendix 3 and Appendix 4 outlined a statement of Consultation which provided an analysis of responses made to the SPD.

The Chairman on behalf of the Committee thanked Sam Connolley, Planning Policy Officer, for his work on this document.

RESOLVED

- (i) that the proposed amendments to the draft Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document, following the public consultation be approved;

RECOMMENDED

- (ii) that subject to amendment, the Maldon District Renewable and Low Carbon Technologies Supplementary Planning Document (attached as **APPENDIX 1** to these Minutes) be adopted.

1009. DRAFT MALDON DISTRICT SPECIALIST HOUSING SUPPLEMENTARY PLANNING DOCUMENT: STAKEHOLDER AND PUBLIC CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services outlining the content of the draft Maldon District Specialist Needs Housing Supplementary Planning Document (SPD) (attached at Appendix 1) and sought the Committee's approval for the draft SPD to go out for stakeholder and public consultation. It was noted that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Appendix 2 to the report provided definitions of the range of specialist needs housing products available.

The Specialist Needs Housing SPD had been prepared to provide additional detailed guidance and clarification on a number of Local Development Plan (LDP) policies. Once adopted it would be a material consideration in making decision on planning applications.

It was agreed that reference to 'figure 7' in the Supplementary Planning Document should be replaced with the actual details of figure 7.

It was commented that the requirements defining housing for older people, those with specialist needs and independent living did not match community need and a wider definition was required. It was agreed that these comments would be taken into consideration by Officers. The Planning Policy Manager advised in respect of independent living the Council worked with Essex County Council and health bodies to ensure appropriate services were provided. At this time Maldon and Burnham-on-Crouch had been identified as the priority locations for independent living in the District.

RESOLVED that subject to the above amendment, the Maldon District Specialist Needs Housing Supplementary Planning Document be approved for stakeholder and public consultation.

1010. DRAFT MALDON DISTRICT AFFORDABLE HOUSING AND VIABILITY SUPPLEMENTARY PLANNING DOCUMENT : STAKEHOLDER AND PUBLIC CONSULTATION

The Committee considered the report of the Director of Planning and Regulatory Services outlining the content of the draft Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) (attached at Appendix 1 to the report) and seeking Members' approval for the draft SPD to go out for public consultation.

It was noted that consultation on SPDs was a requirement of Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Appendix 2 to the report provided a glossary of the National Planning Policy Framework (2012).

The Affordable Housing and Viability SPD had been prepared to provide additional detailed guidance and clarification on a number of Local Development Plan (LDP) policies. Once adopted it would become a material consideration in making decision on planning applications.

It was agreed that where 'Figure 1' was referred to in the SPD this should be replaced with the actual information.

The Planning Policy Manager advised that the SPD could not introduce any new policy but did reflect any updates to national policy since the Local Development Plan had been approved.

RESOLVED that the draft Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) be approved for stakeholder and public consultation.

1011. NATIONAL PLANNING POLICY FRAMEWORK AND OTHER POLICY DOCUMENTS

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' views to supplement the draft comments ahead of a formal submission being made by the Council on the Government's consultation on a revised National Planning Policy Framework (NPPF) and a suite of ancillary documents published in March 2017.

The Planning Policy Manager advised that there had been significant changes published by the Government to the NPPF and this was the first comprehensive review of the NPPF since its publication in 2012. A further report would be brought to the Committee to detail how the changes would impact Planning Policy. It was noted that the Government had produced a document on the consultation proposals which included a number of questions and these along with the Council's proposed response to them were set out in Appendix 1 to the report.

Members discussed the report and related appendices in depth and in response to a number of questions the following information was provided. It was agreed that these comments would be taken into consideration as part of the Council's response:

- There had been some indication that the Government would withhold New Homes Bonus (NHB) if Councils did not deliver the NPPF. It was felt that the Council's consultation response should strongly identify that if there was a justified reason as to why the Council was not able to deliver then it should have the ability to challenge the withhold of the NHB. This response it was hoped would also see the Council united across other organisations on this matter. Reference was made at this time to a similar threat to withhold NHB in relation to applications granted on appeal which had been rebutted by the Local Government Association.
- It was felt that the response to Question 40, whether the Council agreed with the proposed transitional arrangements, should be expanded on as the Council had no control over this.

In response to a query regarding Affordable Housing contributions being set nationally, the Planning Policy Manager agreed to review the related documents and advise Members accordingly after the meeting.

The Planning Policy Manager also agreed to confirm if there were any proposals coming forward with regards to Permitted Development Rights.

RESOLVED

- (i) that the draft responses to the National Planning Policy Framework (NPPF) consultation are revised to take into account views of the Committee and 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;
- (ii) that Officers report on the final NPPF once published setting out any further changes made and the implications for the Maldon District Local Development Framework.

1012. RIVER BLACKWATER TASK AND FINISH WORKING GROUP UPDATE

The Committee received the report of the Director of Planning and Regulatory Services updating Members on work that had taken place and remained outstanding with regards to the River Blackwater Task and Finish Working Group (T&FWG). The Terms of Reference for this T&FWG were attached as Appendix 1 to the report.

It was noted that the Working Group had been established to look in detail at a number of river related issues and subsequent to this an initial work plan had been agreed based on three main issues which were set out in the report.

The report sought Members' consideration as to whether the Working Group conclude and all rivers related matters report directly to the Planning and Licensing Committee in the future. It was felt by some Members that the work of the Working Group had not concluded and specific reference was made to there not having been a report back on moorings, leases and licences. Further concern regarding Heybridge Creek was also raised.

In response to a question it was confirmed that a review of existing leases, licences and insurances was being undertaken.

Councillor A S Fluker referred to the need to ensure that all issues were sorted prior to the conclusion of this Working Group. He proposed that the River Blackwater Task and Finish Working Group be reconvened for the new municipal year and its remit be expanded to include the north bank of the River Crouch. This proposal was not seconded.

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

The Chairman advised the Committee that the Overview and Scrutiny Committee had recently agreed to receive two separate reports in relation to the River Blackwater leases and licences and Heybridge Creek.

A debate ensued during which a number of concerns were raised. There was a brief discussion regarding assets and Members were reminded of the work of the Councils Asset Management Working Group and other bodies i.e. Central Area Masterplan.

Members discussed the remit of the River Blackwater Task and Finish Working Group and whether its Terms of Reference could be expanded to include the River Crouch.

Following further discussion it was agreed that it be recommended that the Council consider setting up a Task and Finish Working Group or alternative body which would encompass two or three Members from each of the three programme Committees to look at other work relating to the Rivers Blackwater leases and Crouch. This was duly agreed.

It was agreed that the River Blackwater Task and Finish Working Group should continue in order to finish its work reviewing moorings, licences and leases on the River Blackwater and report back to a future meeting of this Committee.

RESOLVED

- (i) that the River Blackwater Task and Finish Working Group should continue in order to finish its work reviewing moorings, licences and leases on the River Blackwater and report back to a future meeting of this Committee;

RECOMMENDED

- (ii) that the Council considers setting up a Member Task and Finish Working Group or alternative body with two or three Members from each of the three programme Committees to look at other work relating to the Rivers Blackwater and Crouch.

1013. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The Chairman advised that this was the last meeting of the municipal year and thanked everyone for attending the meeting. She thanked Members of the Committee for their engagement and Officers for all their work during the municipal year.

There being no further items of business the Chairman closed the meeting at 9.20 pm.

MRS P A CHANNER, CC
CHAIRMAN