

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 28 FEBRUARY 2017 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors Heaney (Vice-Chairman, in the Chair), McWilliams (acting as Vice-Chairman), Baker, Bennison, Davis, Everett, Fairley, Fowler, Gray and Hones
<b>Also Present:</b>	Councillor Nicholls
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager), Karen Neath (Management and Members' Support Manager), Nigel Brown (Communications and Public Relations Manager), Charlotte Parker (Solicitor - Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)

**110. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor White (with no substitute).

**111. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 31 January 2017, were approved as a correct record and signed by the Chairman.

**112. DECLARATIONS OF INTEREST**

Councillor Baker declared a prejudicial interest in relation to Planning Application 15/00876/OUT by virtue of the fact that he was a local Ward Member and that he was also pre-determined.

Councillor McWilliams declared a non-pecuniary interest in relation to item A.6 on the agenda by virtue of the fact that she was the Portfolio Holder for Leisure and Partnerships and that the Corporate Enforcement Strategy had recently become part of her remit.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01994/DETAIL by virtue of the fact she was a local Ward Member.

**113. CHAIRMAN'S OPENING REMARKS - AGENDA ITEM A.2 - PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB**

The Vice-Chairman of the Planning Committee (Councillor Heaney) [acting as Chairman in the absence of Councillor White and following consultation with the Council's Head of Planning and the Council's Solicitor for Property, Planning and Governance], announced that, prior to conducting the formal business on the agenda she had agreed to defer this matter, given that the applicant had made late representations requesting changes to the published Officer recommendation (in respect of Section 106 obligations and restrictive conditions) which were fundamental to the acceptability or otherwise of the proposal, and that these would require further consideration by Officers. In addition, information from Essex County Council's drainage team remained outstanding.

**114. A.6 - REPORT OF THE MANAGEMENT AND MEMBERS' SUPPORT MANAGER - CORPORATE ENFORCEMENT STRATEGY**

Councillor McWilliams had earlier declared a non-pecuniary interest in relation to item A.6 on the agenda by virtue of the fact that she was the Portfolio Holder for Leisure and Partnerships and that the Corporate Enforcement Strategy had recently become part of her remit.

The Committee had before it a report of the Management and Members' Support Manager, to enable it to consider the Council's draft Corporate Enforcement Strategy. The draft Strategy was attached to the report as Appendix A.

It was reported that:

- At Cabinet on 16 December 2016, the draft Corporate Enforcement Strategy had been agreed for consultation. Within the Council, it had been agreed that the Strategy be considered by the Planning, Licensing and Registration and Community Leadership and Partnerships Committees.
- The purpose of the Corporate Enforcement Strategy was to set out the overarching “umbrella” principles to apply to all service departments and its Officers within the Council which undertook enforcement functions.
- The Council's enforcement responsibilities and powers covered a wide range of legislation with a variety of formal and informal sanctions, which aimed to protect the interests and rights of people in relation to the environment that they use. The enforcement of regulatory legislation enabled the Council to achieve its priorities contained within the Corporate Plan and fitted with national policy, codes and guidance.
- It was important that those enforcement functions were carried out in an equitable, practical and consistent manner, and that both those subject to regulation and those on whose behalf enforcement was carried out could understand the approach taken. The purpose of the Corporate Enforcement Strategy was to explain clearly and publicly summarise Tendring District Council's intended approach towards enforcement and dealing with non-compliance.
- It was important to note that the Licensing and Registration and Planning Committees retained the legal responsibility and power with regards to enforcement decisions including the proposed adoption of a corporate Harm Risk Assessment Checklist and Template however, it was intended that some general principles could be agreed across the Council to form a corporate approach.
- The draft Strategy included the following sections on how the Council would deal with enforcement:-
  - Openness & Transparency;
  - Helpfulness;
  - Consistency;
  - Proportionality;
  - Targeting resources on higher risk; and

- Accountability.

Members raised questions on various issues which included:

- (1) Costs incurred by the Council in undertaking enforcement and whether any financial deterrent can be introduced for non-compliance;
- (2) Cost Recovery for breaching Planning Control;
- (3) The possibility of an 'All Member Briefing' for Councillors to be informed of their role in regards to the strategy; and
- (4) The possibility of Ward Councillors being invited to case reviews in order to provide further information.

The outcome of the consultation, including the comments made by members of the Committee, would be reported back to Cabinet in early 2017 for consideration in the adoption of the final document.

**115. A.1 - PLANNING APPLICATION - 15/00876/OUT - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS**

Councillor Baker had earlier declared a prejudicial interest in relation to Planning Application 15/00876/OUT by virtue of the fact he was a local Ward Member and that he was also pre-determined. Councillor Baker therefore remained in the meeting but did not take part in the discussion thereof or the voting thereon..

Members recalled that this application had been previously referred to the Committee on 14 June 2016. The Committee had resolved to grant outline planning permission subject to the completion of a Section 106 legal agreement within six months of the date of the Committee's resolution to approve (the latest date was 14 December 2016) and subject to conditions; otherwise the Head of Planning had authority to refuse if necessary. Any reserved matters application was to be referred back to the Committee.

Members were informed that, since the date of the previous resolutions, discussions regarding the completion of the Section 106 legal agreement had been ongoing. The agreement was now very close to completion. The Head of Planning now sought the Committee's agreement to an extension of time until 28 April 2017 in order to complete the legal agreement. The agreement should be completed before that date but an extension until 28 April 2017 was sought to ensure that the deadline could be met on this occasion.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

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- a) By no later than 28 April 2017 to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
- On-site Council Housing/Affordable Housing;
  - Education contribution and/or land for school expansion;
  - Health contribution;
  - Community facilities;
  - Completion and transfer of public open space;
  - Contribution towards off-site traffic management measures at the A137 railway crossing; and
  - Contribution towards monitoring impacts on the Stour Estuary.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
- 1) Standard 3 year time limit for submission of reserved matters application;
  - 2) Standard 2 year limit for commencement of development following approval of reserved matters;
  - 3) Details of appearance, access, layout, scale and landscaping (the reserved matters);
  - 4) Layout and phasing plan/programme;
  - 5) Development in accordance with submitted land use audit;
  - 6) Development to contain up to (but no more than) 360 dwellings;
  - 7) Highways conditions (as recommended by the Highway Authority);
  - 8) Surface water drainage scheme;
  - 9) Foul water drainage scheme;
  - 10) Hard and soft landscaping plan/implementation;
  - 11) Ecological mitigation/tree protection measures (including bat protection measures);
  - 12) Archaeological assessment/trial trenching;
  - 13) Details of lighting, materials and refuse storage/collection points;
  - 14) Construction methods statement;
  - 15) Broadband connection;
  - 16) Local employment arrangements; and
  - 17) Details of water, energy and resource efficiency measures.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed by 28 April 2017, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

**116. A.3 - PLANNING APPLICATION - 16/01994/DETAIL - LAND OFF CLACTON ROAD, ELMSTEAD, CO7 7DE**

Councillor Heaney had earlier declared a non-pecuniary interest in relation to Planning Application 16/01994/DETAIL by virtue of the fact she was a local Ward Member.

Members were informed that this was a reserved matters application seeking approval following on from the approval on appeal, on 2 February 2016, of outline planning permission 15/00675/OUT.

Members were reminded that the application had been refused by resolution of the Committee on 28 July 2015 but it was requested, in the event of the appeal being allowed by the Planning Inspectorate, that any reserved matters application be referred back to the Committee for a decision.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the change of plot 20 (council house) to a similar design to plot 19, and further subject to the following condition:-

1) Accordance with approved plans.

**117. A.4 - PLANNING APPLICATION - 16/01873/FUL - THE NEW BELL INN, OUTPART EASTWARD, HARWICH, CO12 3EN**

It was reported that this application had been referred to the Planning Committee as the land was owned by the Council and leased to the applicant.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Fowler and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

- 1) Development in Accordance with Approved Plans;
- 2) Opening times (11.00 – 20.00hrs in any one day) and no live or amplified music within seating area; and
- 3) External seating, tables and other paraphernalia to be removed when not in use.

(b) That an informative be sent to the applicant in order to request the Public House to encourage use of their existing smoking area to the rear of the Pub.

118. **A.5 - PLANNING APPLICATION - 16/01925/FUL - LAND SOUTH OF MILL LANE, WEELEY HEATH, CO16 9BG**

Members recalled that outline planning application 16/00185/OUT had been approved by the Committee on 18 May 2016. It had been requested that the reserved matters be brought back to the Committee for determination.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fairley and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

- 1) Time Limit;
- 2) Approved Plans;
- 3) Submission and agreement of external facing and roofing materials;
- 4) Hard and Soft Landscaping Scheme;
- 5) Implementation of landscaping scheme;
- 6) Visibility splays prior to accesses being brought into use;
- 7) Parking and turning facilities made available prior to occupation and retained;
- 8) No unbound materials in first 6m of access;
- 9) Timing of vegetation clearance;
- 10) Lighting details;
- 11) Biodiversity mitigation and enhancement provision;
- 12) Accordance with tree/hedge protection plan;
- 13) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site; and
- 14) Hours of working.

The Meeting was declared closed at 7.30 p.m.

**Chairman**