

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 3RD DECEMBER, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Bray, Goldman (except item 36), Placey, Sudra and Wiggins
Also Present:	Councillor M Cossens (except items 35 - 39), Councillor Everett (except items 35 - 39), Councillor Fairley (except items 36 - 39), Councillor Smith (except items 35 - 39) and Councillor Turner (except items 35 – 39)
In Attendance:	Gary Guiver (Director (Planning & Communities)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer) (except items 35 - 39), Oliver Ashford (Planning Officer) (except items 36 - 39), Jacob Jaarsma (Planning Team Leader) (except items 37-39), Maddie Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer)
Also in attendance:	Matthew Ramsden (Planning Enforcement Officer)

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Everett (with Councillor Bray substituting), McWilliams (with no substitution) and Smith (with Councillor Placey substituting).

31. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Wiggins and:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 5 November 2024, be approved as a correct record and be signed by the Chairman.

32. DECLARATIONS OF INTEREST

Councillor Goldman declared for the public record, in relation to Planning Application **24/00712/DETAIL – Land at 757 St John’s Road and Rouses Farm, Jaywick Lane, Clacton-on-Sea, CO16 8BJ** that, due to living near the application site, he would not participate in the Committee’s deliberations and decision making for that application and he would therefore leave the room.

33. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

34. **REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 23/01191/FUL - TENDRING TECHNOLOGY COLLEGE, ROCHFORD WAY, FRINTON-ON-SEA, CO13 0AZ**

The Chairman of the Planning Committee (Councillor Fowler) reminded Members that Councillors Placey and Sudra had not been present at the time the application had first been before the Committee in May 2024 and that therefore they would not participate in the discussions and decision-making, but they would stay in the room.

Members were also reminded that the proposal was for the erection of an Artificial Grass Pitch (AGP) on land that formed part of the existing playing pitch within the grounds of Tendring Technology College and that this application was before the Planning Committee following a call-in request by Councillor Turner, who had raised concerns that the development would result in a negative impact on the scene, and was of a poor layout and would result in a negative impact to neighbours.

Members were reminded that the application had been initially put before the Planning Committee at its meeting held on 14 May 2024, when Officers had concluded that the wider public benefits of the proposed development outweighed the overall identified areas of harm, namely the impacts to neighbouring amenities through noise and light pollution and had therefore recommended, on a fine balance, that the application be approved.

At that meeting the Committee had decided to defer the application and had requested that additional information/actions be provided/undertaken as follows:-

- *Applicant to provide a Bat Survey Report;*
- *The Council's Environmental Protection team to undertake a review of the Noise Impact Assessment provided by local residents;*
- *Applicant to demonstrate whether it would be possible to provide for an amended layout/re-orientated 3G pitch that would result in reduced harm; and*
- *Submission of a Construction Method Statement to ensure that any construction would be mindful of the school children's presence on site.*

Following that deferral, the applicant's agent had subsequently provided a Bat Survey which had been confirmed to be acceptable by ECC Place Services (Ecology) subject to conditions, and this Council's Environmental Protection team had commented on the Noise Impact Assessment to confirm that they had considered both the applicant's and the local residents' Noise Impact Assessments fully, and had concluded that their earlier "no objection" comments remain unchanged. They had, however, suggested that the applicant's Noise Impact Assessment be updated to include additional information, which had since been undertaken. The Council's Environmental Protection team had confirmed that they were satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore had had no adverse comments subject to the measures outlined within the Assessment being implemented.

Officers reminded Members that, in addition, the agent for the applicant had clarified that a Construction Method Statement had been submitted alongside the original application submission, and the Council's Environmental Protection team had previously confirmed that they were satisfied with the contents and had no adverse comments to make (in comments dated 14 September 2023).

An additional drawing had also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options were shown, with two showing that it would not be possible without overlapping with the running track (which would likely generate an objection from Sport England if put forward, so therefore would not be feasible), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed siting.

Members were informed that, the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that could be utilised all year round. Sport England had offered strong support despite the part loss of an existing playing pitch, and Officers were not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlighted that there was both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance had therefore been given by Officers to the public benefits the scheme would provide.

Officers told Members that, the proposed development was not considered to result in significant harm to the character and appearance of the wider area, that there was sufficient parking provision and ECC Highways had offered no objections subject to conditions. Similarly, ECC Ecology had not objected to the proposal, subject to conditions, and whilst ECC SuDS had initially objected, that had been on technical matters which had since been addressed.

The Committee was also made aware that, in terms of the impact to neighbouring amenities, whilst from a purely technical perspective the change in noise level was considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers equally acknowledged that there was inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. Amendments to reduce the operating hours and re-locate the AGP away from the neighbouring properties had helped reduce the level of harm, but Officers had still afforded weight to that harm in the overall planning balance.

Officers further reminded Members that, taking all of the detailed considerations above into consideration, Officers had concluded that, on this occasion there were strong wider public benefits of the proposed development that outweighed the identified harm and with that careful assessment, the planning application was recommended by Officers for approval.

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 Senior Planning Officer (MP) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee that an additional letter of observation had been received from a neighbouring property, raising concerns that any noise generated would be increased in windy conditions.

Robert Rouse, on behalf of the applicant, spoke in support of the application.

Terry Allen, a member of the public and Chairman of the Academy Community Board, spoke in favour of the application.

Stephen Smith, a member of the public, spoke against the application.

Councillor Mark Cossens, Mayor of Frinton and Walton Town Council, spoke against the application.

Councillor Richard Everett, a Ward Councillor for Frinton, spoke against the application.

Councillor Nick Turner, a Ward Councillor for Frinton and the Caller-in of this application, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Could Officers confirm if the bat survey that had been specifically requested had been done or not?</i>	<i>Officers have had a bat survey report undertaken and within that the bat activity at the site has been assessed. What was requested had been undertaken. Officers have consulted with Essex County Council Ecology Department, and they have confirmed they are happy with the findings.</i>
<i>Could Members have confirmation that the roosting feature identified by Councillor Everett has been included in the bat survey?</i>	<i>Yes, Officers received an email that was passed on to the applicant and it was also passed onto Place Services, who act for the Council regarding ecology matters. It was not included in the bat survey undertaken by the applicant but was considered (this is confirmed in their consultation response) by Place Services, have commented, and they considered that in their response to the survey undertaken.</i>
<i>Could you confirm that the bat survey and survey requested was done?</i>	<i>Yes.</i>
<i>The balance that has been discussed is the balance that will benefit the community, am I right?</i>	<i>Yes, as part of the overall planning balance, there are public benefits and there are obviously harms for neighbours and essentially to determine the amount of weight to give the neighbours. Officer opinion is that the benefits slightly outweigh the harms, but it is on balance that Officers have come to that conclusion and for Members to consider.</i>
<i>Regarding the rubber crumb (surface material for pitch), is the Council putting children's lives at risk and what is the evidence? Is there an alternative material and if the EU have identified this as not being good, why is the Council still allowing this to be used?</i>	<i>The rubber crumb does cause environmental harm, it is a micro plastic and a potential swallowing hazard which is included in various reports around it. There are other microplastics that are not banned and this microplastic for the crumb is currently not banned – it is not regarded as a banned substance in planning terms. It is being phased out around the world and it is believed the UK may review it next year. However, planning decisions have to be made right now. There is</i>

	<i>currently no policy set against surface material such as this. Environmental Health have no objections. There is no recognised position to stop this material from being used and Officers consider it difficult to defend a refusal regarding that aspect alone.</i>
<i>Is it fair to say that on the balance of probability, if the application was to go ahead, is there a greater advantage to the community?</i>	<i>Yes, there are public benefits in the Officer report. In terms of community benefits, yes, on one hand Members could say yes there would be community benefits but on the other hand, there could also be harm.</i>
<i>What is before Members is how Officers reached their recommendation, is that right?</i>	<i>Yes.</i>
<i>Is it still the case that the Officer recommendation is balanced?</i>	<i>The overall position has not changed (since the last meeting), nothing has really changed, and the recommendation is highly balanced.</i>
<i>Is the Council aware of the warnings surrounding the rubber crumb?</i>	<i>A fair amount of research has been carried out and nothing immediately has come up. Other agencies have looked over this and there is a planned meeting in the middle of 2025; however, it is out there as a debate on the degree in harm. It is harmful. Officers cannot give any more than what is in the report.</i>
<i>Do Members have an analysis on why one of the independent reviews was accepted but not the other? (Note – reference to applicant’s survey on noise and the local resident survey)</i>	<i>Officers have had conversations with the Council’s environmental team, in short, they have acknowledged both reports, acknowledged the findings of the residents’ surveys, but in terms of the submission and the applicant’s assessment submitted, it (the applicant’s) is all within the relevant guidelines so there was nothing they could raise. There is going to be a level of noise disturbance, but it does meet the World Health Organisation’s criteria. The environmental team cannot object to the findings on those grounds.</i>
<i>How would you take the noise from spectators into account?</i>	<i>The noise impact assessment does discuss transient noises which includes voices. This is not the only pitch that might have spectators, so this is standard practice. There will be noise disturbance, whether that is from the players or any spectators, but there is not a spectators’ seating area, and the technical information falls within the guidelines.</i>
<i>What is the threshold for light spillage and how far are the floodlights within the threshold?</i>	<i>It has been confirmed that the floodlights fall under the threshold for this location. They are inward facing onto the pitch. The glare from the floodlights will not impact the neighbours, however there will be natural light spillage. There is a low level of weight to that harm. It is considered that the benefits outweigh the harm.</i>
<i>How will Officers stop people sitting on the bund?</i>	<i>There are 2 maintenance gates that will be managed at all times and not accessible. The pitch will only be used for events. The gates will deter</i>

	<i>people from freely moving about in that area. The bund will be inaccessible during matches for people to sit on there.</i>
<i>Around the rubber crumb, Officers mentioned a meeting that will be happening in the middle of next year?</i>	<i>It may not be true, but currently that is what the new online propose (at this point in time).</i>
<i>If the rubber crumb is found to be very dangerous, does TDC deal with it?</i>	<i>TDC will be dealing with other authorities and with other organisations (with responsibility for public safety as necessary).</i>

It was moved by Councillor White, seconded by Councillor Alexander and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer Report (A.1), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending of any informative notes to the applicant as may be deemed necessary.

35. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 24/00885/FUL - TOTAL ROOFING SUPPLIES, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QL

The Committee heard that this application was before the Planning Committee at the request of Councillor Fairley.

It was reported that the application sought permission for the retention of 2 no. existing portacabin offices to serve the existing roofing company on site. In addition, two further portacabins, a car parking area to the front of the site and the creation of a hardstanding area to the rear had all been implemented without express planning permission. The application therefore also sought retrospective planning consent for all unauthorised elements and other than the works outlined above, no further additions were proposed as part of this application.

Members were told that the proposed works were not considered to be harmful to the current prevailing character and appearance of the area. The proposal would also not result in any significant impact to neighbouring amenities, and it was satisfactory in terms of highway safety. Accordingly, the application had been recommended by Officers for approval subject to conditions.

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 Officer (OA) in respect of the application.

There were no updates for Members on this application.

Councillor Zoe Fairley, the Ward Councillor for Ardleigh and Little Bromley and the caller-in of this application, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>The two containers sitting on top of each other, with the height being greater than the building around these, is this acceptable?</i>	<i>That is a matter for your debate and judgement. Officers would have nothing to warrant refusal on that basis if found to be unacceptable.</i>
<i>Where the Highways Conditions are included with the red lines on the Officer presentation, is making sure that they are adhered to Essex County Council's responsibility and not Tendring District Council's?</i>	<i>The conditions on this application will be imposed and referred to the enforcement team if they were not complied with should the application be granted. In terms of the wider site, the road itself is subject to ECC Highways and their enforcement.</i>
<i>Do we know what has prompted the applicants to apply for planning permission at this point and not considerably earlier?</i>	<i>It was a referral from our enforcement department, so Officers asked for an application to be submitted. It is not a material consideration. The site is subject to a different application, whilst dealing with that application, Officers can only apply public funding responsibly. With enforcement, there has to be a degree of time before amenity comes into effect.</i>
<i>If the site was not already there, what would be the Officer recommendation?</i>	<i>Whilst the advantage of a retrospective application is that Officers and Members can see what the application would look like, the requirement is to treat this application as if the site was not there and judge it on its own planning merits.</i>
<i>How long has this been outside of planning permission?</i>	<i>The existing 2 portacabins were in situ during a previous application in 2021, the others were in situ from June 2024.</i>
<i>Why has it taken so long for the Council to pick this up?</i>	<i>It has taken a while to get to this point. There was a reason to delay coming forward on this application because during the years in between, Officers have had a larger Surya Foods application that took precedence rather than taking forward this application (also JR and legal agreement matters). In planning, there is no penalty (with the exception of Listed Buildings) with respect of retrospective buildings. Members have to deal with the merits that are before them and not on the fact that it is a retrospective application.</i>
<i>Were the applicants aware that they needed planning permission?</i>	<i>Officers would hope they would be aware of the ongoing enforcement investigation that was opened at that time.</i>
<i>Could Officers expand on that please?</i>	<i>It is not within your remit to consider a different</i>

	<p><i>balance of the planning merit that is before Members simply because application is a retrospective application, Members' role is to consider this as a proposed application. The applicants are allowed to make that application, there is nothing in the legislation stopping the applicants from making the application. The applicants are allowed to go through the normal planning process. In terms of if the applicants knew of their breach, that should not be given any weight. Members should think about if this application carries harm in planning terms.</i></p>
<p><i>Does the extending of the land have bearing on the Surya Rice application? Is there a judicial review that Members are not aware of?</i></p>	<p><i>In terms of the judicial review on the application, as far as the Officers know, it has not gone any further. In respect of if there is an overlap between this site and the other site, yes there is an overlap. If Members were to approve this application, it would carry on operating. If the Suyra Food application was to be implemented, which is not at this time, it does have conflict with this application, but that is for the applicant to resolve as necessary in that other application, not this one. The owners of the land are the same which means they could deal with that land quite quickly.</i></p>
<p><i>What was the reason for the long delay? (in respect of Surya)</i></p>	<p><i>There was a legal agreement that was necessary to be complete which took some time including a Highways related delay because some land had a Highways matter attached to it with some ownership issues over Highways land. Judicial review also delayed the decision. In this case, there were a few reasons why this took a while.</i></p>
<p><i>Essentially, this is a new application and that is what is being judged today, is that correct?</i></p>	<p><i>Yes.</i></p>

It was moved by Councillor White, seconded by Councillor Bray and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.2), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

36. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24/00712/DETAIL - LAND AT 757 ST JOHN'S ROAD AND ROUSES FARM, JAYWICK LANE, CLACTON-ON-SEA, CO16 8BJ

Earlier on in the meeting as reported under Minute 32 above, Councillor Goldman had declared for the public record that he lived near the application site, and that he therefore would not participate in the Committee's deliberations and decision making for this application. Councillor Goldman therefore left the room at this juncture.

The Committee heard that this application sought approval for the Reserved Matters relating to appearance, landscaping, layout, and scale for residential phases one and two, comprising 417 dwellings. Phases one and two formed part of a larger site that was a strategic allocation which already benefited from outline planning consent for its redevelopment to provide up to 950 residential units. The above mentioned outline consent (reference number 17/01229/OUT) also included a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F.2 (community centre); a 2.1ha site for a new primary school – those elements did not form part of the reserved matters application the subject of this Officer report.

Members were told that the application was in front of Members at the discretion of the Head of Planning and Building Control because the site was of major strategic importance for the Strategic Urban Settlement of Clacton-on-Sea.

The Committee was informed that the submission followed statutory consultations and discussions between the Local Planning Authority (LPA), the applicant and other stakeholders such as Essex County Council Highways and Education, resulting in revisions to address concerns raised by local objectors, planning officers and consultees.

The Committee was made aware that the key elements of the approved outline consent, including primary access from both St Johns Road and Jaywick Lane, the broad location of major open spaces, and the designated Education Land were all fixed and had been carefully integrated into this detailed application. While some local objections had been raised, those mainly pertained to aspects already agreed upon in the outline permission or were issues that would be addressed through planning conditions and obligations imposed on and included in the outline consent, or were matters that the LPA felt had now been addressed through the submission of revised plans and documents (detail of which was provided through the Officer report).

Officers reminded Members that the proposed layout built on the approved access routes and spine road, and it was considered that the overall design and layout of phases one and two would create a cohesive and attractive development. The tree-line spine road and strategically positioned open spaces in phases one and two would contribute to a strong sense of place. The scale and appearance of the dwellings, along with the high-quality landscaping proposals, were considered by Officers to be appropriate for the surrounding area and set a positive precedent for future phases.

Members were further told that the concerns regarding access to the Education Land, particularly for vehicular and pedestrian traffic, had been addressed through revised plans. Both Planning Officers and ECC Officers now deemed the indicative access

arrangements to, and from, the future school to be capable of being safe and suitable for all users, including future school attendees.

Overall, the details for phases one and two were considered acceptable by Officers, and the application had therefore been recommended by Officers for approval, subject to conditions.

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 Team Leader (JJ) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting including minor changes to Conditions 3, 6 and 7 in order to make them more accurate and to ensure that they did not stand in conflict with any conditions imposed on the outline consent. That was as follows:-

“Condition 3 is recommended to be altered to read:

CONDITION 3: Prior to the first occupation of any dwellings in phases one and two the internal road layout, public rights of way, parking and associated improvements leading to/from that dwelling/flat, shall be provided in principle and accord with Drawing Numbers:

- PH-123-003 Rev. B Detailed layout north,
- PH-123-004 Rev. B Detailed layout south,
- PH-123-002 Rev. B Amended Masterplan,
- 700-A to 704-A Onsite highway geometry and visibility splays,
- 900-A to 904-A Onsite swept path refuse vehicle,
- PH-123-063-A Amended garage elevations and floor plan,
- PH-123-067 Car ports floor plans and elevation.

Condition 6 is recommended to be altered to read:

CONDITION 6: Any proposed boundary planting shall be planted a minimum of 1m back from the highway boundary and any boundary planting above 600mm in height shall not be planted within any visibility splays.

Condition 7 is recommended to be altered to read:

CONDITION 7: Prior to occupation of each dwelling/flat in phases one or two, the car parking and turning areas for that dwelling/block of flats shall be provided and retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.”

Paige Milner-Harris, the applicant, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
Was the road leading from St John’s	Yes, that consideration was undertaken. When the

<p><i>Road checked prior to, or since, the approval of the application of the St John's Plant Centre?</i></p>	<p><i>Outline application was considered back in 2023, the Committee was aware of the St John's Road proposals and the applicants for the Outline application took into account the St John's Road appeal decision's updated transport assessment and Highways have also taken that into account.</i></p>
<p><i>Are the affordable homes in close proximity and which ones are shared ownership?</i></p>	<p><i>In Page 117 of the Officer report (A.3), there is a table under section 8.9 that sets out the overall number of market dwellings. Officers can confirm that as a whole the Section 106 agreement has been secured. 20% of the 417 dwellings are affordable housing and the applicants are on course to deliver the affordable housing that is required of them. Starting north at St John's Road, there will be no more than 10 affordable dwellings in a row apart from one part of the site. On the southern part of the site, there is also no more than 10 affordable dwellings in a row.</i></p>
<p><i>With the school site not being considered today, is there any indication when the school site will be considered?</i></p>	<p><i>The Section 106 obligation relating to the education site states that the trigger for this is the Education Site Notice. Essex County Council will have a period of time in which to serve the Education Site Notice on the owners of the education site land and that period is called the Education Site Option period. That commences from the date that the development commences, and it ends 10 years later from the first occupation of the 300th dwelling. In any event, it does not expire until prior to the completion of the development. Phase 1 and phase 1a owners, the developer has to covenant within 6 months of the date of the service of the Education Site Notice to deliver the works on site.</i></p>
<p><i>Is the spine road going to be built the whole way through or in stages?</i></p>	<p><i>The majority of the spine road will be delivered as part of phase 1 and 2; however, the spine road will also go through phases 3 and 4 towards the Jaywick Lane end of the development site. Officers cannot make the developers build the entire spine road in one go.</i></p>
<p><i>Can Officers confirm that the market housing and affordable housing will look exactly the same?</i></p>	<p><i>Yes, they will be indistinguishable.</i></p>
<p><i>What are Officers doing about traffic calming?</i></p>	<p><i>There has been a number of meetings between the developer and ECC Highways. The internal spine road has been designed on the outset as a slow road. It will include raised sections; speed bumps and the road itself will have a lot of bends in it. It will not be attractive for rat running because of the nature of it and Jaywick Lane is further to the east which is a completely different road. Officers and ECC Highways are not concerned about the road</i></p>

	<i>being used inappropriately.</i>
<i>What is the likelihood that a Healthcare Centre will ever emerge?</i>	<i>Officers cannot give a definitive answer.</i>
<i>How are these properties going to be heated?</i>	<i>A condition is recommended seeking details of the renewable energy generation plan. There are also relevant conditions imposed on the Outline consent to do with the sustainability credentials of the development which remain outstanding.</i>
<i>On Page 122 of the Officer report, 8.41, should there be a condition for the calming measures?</i>	<i>There are detailed plans showing the exact location of every single calming measure within the spine road which has been signed off by Highways and listed in the long list of approved plans in condition 1.</i>

It was moved by Councillor Alexander, seconded by Councillor Placey and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.3), the updated Conditions in the Officer Update Sheet, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending of any informative notes to the applicant as may be deemed necessary.

37. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - ENFORCEMENT REPORT

The Committee had before it the latest planning enforcement report based on live information taken on 6 November 2024.

Members were aware that the enforcement policy sought to report on the following areas:-

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgments within 3 working days;
- number of harm assessment completions within 20 days of complaint receipt;
- number of site visits within the 20 day complaint receipt period;
- number of update letters provided on/by day 21;
- number of live cases presented by category, electoral ward and time period since receipt; and
- enforcement-related appeal decisions.

Members noted that some areas continued not to be available given the resources to export information from the available system were not possible with the current database software, or as addressed directly in the Officer report.

RESOLVED that the contents of this report (A.4) be noted.

38. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Wiggins, seconded by Councillor Bray and unanimously:-

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 6a and 6b of Part 1 of Schedule 12A, as amended, of the Act.

39. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - B.1 - ENFORCEMENT REPORT, MISTLEY QUAY

It was moved by Councillor White, seconded by Councillor Bray and unanimously:-

RESOLVED that the Planning Committee, having considered the contents of the report, determines that there has been a breach of planning control (as defined by Section 171A of the Town and Country Planning Act 1990 (as amended)) and Listed Building Consent (as provided under Sections 7 and 9 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended)) at Mistley Quay resulting from the unauthorised removal and replacement of parts/panels from the fence located adjacent to the Quay side as identified in this report and that it is considered expedient, having regard to the relevant legislation, provisions of the development plan and to any other material considerations, for enforcement action to be taken in line with Section 172 of the Town and Country Planning Act 1990 (as amended) and/or Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990. It is requested, accordingly, that the Director of Planning and Community:

- (1) Delays taking any immediate action to enforce the breach of planning control and listed building consent, subject to the following:
 - (a) engagement with the owners of the land where the fence is situated to discuss a proposal for a suitable alternative fence, or no fence, and to allow the relevant planning application(s) and listed building consent application to be submitted within six months of this resolution; and/or
 - (b) Invite a planning and listed building consent application to be submitted for the retention of the works to the existing fence now in place within 2 months of this resolution; and
- (2) Following actions 1(a) and/or 1(b) above not being successful, or not engaged, to authorise the Director of Planning and Community to consider or pursue formal enforcement action to be taken which could include the issue and service of an Enforcement Notice under Section 172 of the Town and County Planning Act 1990 and/or a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990; together with the reasons for that decision or action.

The meeting was declared closed at 8.58 pm

Chairman