

Minutes

Planning and Licensing Committee Wednesday, 12th June, 2019

Attendance

Cllr Ms Sanders (Chair)	Cllr Keeble
Cllr McCheyne (Deputy Chair)	Cllr Kerlake
Cllr Chilvers	Cllr Morrissey
Cllr Haigh	Cllr Mynott
Cllr Jakobsson	

Apologies

Cllr Fryd	Cllr Tierney
Cllr McLaren	

Substitute Present

Cllr Bridge
Cllr Laplain
Cllr Tanner

Also Present

Cllr Lockhart – Blackmore, Hook End and Wyatts Green Parish Council

Officers Present

Paul Adams	-	Principal Licensing Officer
Surinder Atkar	-	Planning Solicitor
David Carter	-	Environmental Health Manager
Caroline Harrison	-	Licensing Officer
Dave Leonard	-	Licensing Officer
Paulette McAllister	-	Principal, Design & Conservation Officer
Caroline McCaffrey	-	Development Management Team Leader
Tessa Outram	-	Senior Planning Officer
Mike Ovenden	-	Associate Planning Consultant
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Carole Vint	-	Planning Officer

32. Apologies for Absence

Apologies were received from Cllrs Fryd, McLaren and Mrs Tierney, substituted by Cllrs Laplain, Bridge and Tanner respectively.

33. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee meeting held on 12 March 2019 were agreed to be a true record.

34. Minutes of the Licensing Sub Committee

The minutes of Licensing Sub-committee meetings held on 22 March 2019, 5 April 2019 and 1 May 2019 were agreed to be true records.

35. Planning & Licensing - Terms of Reference

Members were reminded that at Annual Council on 15th May 2019, the terms of reference for each of the Council's committees for the municipal year 2019/2020 were approved.

Part 3.1 of the Constitution listed the powers and duties of the Committees appointed by Annual Council for 2019/2020 and this was subject to an amendment made by the individual committees throughout the year with Council's approval.

The proposed Terms of Reference for Planning & Licensing Committee were appended to the report before members for their consideration.

Cllr McCheyne requested and received confirmation that Planning Enforcement was included within the Committee's Terms of Reference.

Cllr Miss Sanders **MOVED** and Cllr McCheyne **SECONDED** the recommendations in the report and a vote was taken on a show of hands.

It was **RESOLVED UNANIMOUSLY** that:

1. The Committee notes the Terms of Reference (Appendix A to the report) of the Planning & Licensing Committee.

2. Any amendments addressed by the Committee are reported to Chief Operating Officer/Corporate and Democratic Services Manager and a report to be taken to appropriate Ordinary Council Meeting for approval.

Reason for recommendations

The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

36. Uber in Brentwood

Members were advised that over the last 2-3 years there had been a steady proliferation of the number of Uber vehicles operating in the Brentwood area as they spread outside of London utilising their TFL licence and this was having a significant impact on the level of business for the local licensing Hackney Carriage and Private Hire trade who reported a 40% decrease in business. The report before Members sought to inform the Planning and Licensing Committee of the current legal position, the representations and concerns from the Brentwood Borough Taxi Drivers Association (BBTDA), the actions already taken by officers and national developments.

A number of taxi drivers attended the meeting and the Chair agreed that two representatives – Mr Earl and Mr Topley - could speak on behalf of the BBTDA.

Members were advised that ultimately the legality of the situation was still a matter of opinion. There was no direct legal authority as to whether Uber vehicles operating in the area was lawful or not and the courts would have to make that decision. Details of opposing legal opinions were appended to the report for Members' information.

Members sympathised with the difficulties faced by local taxi firms and drivers and agreed that local traders should be supported. Their main concern was the safety of those travelling by taxi. It was noted that TFL licensing standards – which Uber vehicles needed to achieve – were lower than those imposed by Brentwood Council.

Members were advised that Brentwood Licensing Officers had no enforcement powers over the TFL vehicles or drivers that were working in the borough to ensure that they were compliant with the conditions of their licence and that their vehicle was in a safe and suitable condition.

However, two joint operations had been undertaken with TFL's Taxi and Private Hire Compliance Team in Brentwood, undertaking checks on both Brentwood and TFL vehicles and drivers. More dates had been organised for this to continue.

Cllr Mynott **MOVED** and Cllr McCheyne **SECONDED** the recommendations in the report.

In response to a Member's question regarding the Committee's ability to take a more radical approach to the issues outlined in the report Mr Atkar, Planning Lawyer, advised this could only be achieved through prosecution.

Following a full discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY that:

- 1. Members consider the representation in the letter and oral representations from the BBTDA.**
- 2. Agree for a letter to be sent to Uber asking them to withdraw from Brentwood or apply for an Operator's Licence with Brentwood Borough Council.**

37. 12 WORRIN ROAD, SHENFIELD, ESSEX, CM15 8DE Application No. 19/00134/FUL - CONSTRUCTION OF A DETACHED HOUSE AND GARAGE

The application had been referred by Cllrs Mrs Pound, Mrs Rowlands and Tumbridge due to the number of objections raised by local residents.

Cllr Mrs Pound, Ward Member, advised that whilst a vast number of objections had been received she had not been directly approached by residents.

Cllr Fryd, Ward Member, declared that he knew the applicant and therefore did not speak about the application.

Miss Lai was present and addressed the Committee in objection to the application.

Mr Longhurst, the applicant, was present and addressed the Committee in support of the application.

Cllr Mynott **MOVED** and Cllr McCheyne **SECONDED** that the application be **REFUSED** . Following a discussion a recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Haigh, Keeble, Kerlake, Laplain, McCheyne, Morrissey, Mynott, Sanders, (9)

AGAINST: Cllrs Bridge, Jakobsson and Tanner (3)

ABSTAIN: (0)

The application was **REFUSED** for the following reasons:

The building would be out of character with the surrounding development context; impact of driveway adjacent to No. 8 Worrin Road (noise and disturbance along access) CP1(i), (ii) and (iii) and Loss of trees, conflicts with C5.

38. ESSEX POLICE & LA PLATA HOUSE, LONDON ROAD, BRENTWOOD, ESSEX CM14 4QJ Application No. 18/0790/REM

APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR SCALE, LAYOUT, APPEARANCE OF BUILDINGS, ACCESS, AND LANDSCAPING DETAILS PURSUANT TO CONDITION 1 OF OUTLINE PERMISSION 16/01805/OUT FOR (OUTLINE APPLICATION FOR DEMOLITION OF EXISTING POLICE STATION BUILDINGS, CONVERSION OF LA PLATA HOUSE TO RESIDENTIAL USE AND DEVELOPMENT OF UPTO 70 NEW RESIDENTIAL DWELLINGS (ALL MATTERS RESERVED) FOR THE CONVERSION OF LA PLATA TO 4 X DUPLEX DWELLINGS AND CONSTRUCTION OF TWO RESIDENTIAL BLOCKS OF FLATS BETWEEN 3 AND 4 AND HALF STOREYS CONSISTING OF 22X 1 BED, 36X 2 BED AND 8 X 3 BED FLATS, WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS.

The application was a major development of strategic importance to the Borough and therefore had been referred to Members for a decision.

Mr Mikolaczyk was present and addressed the Committee in objection to the application.

Mr Martin, representing the developer, was present and addressed the Committee in support of the recommendation.

Cllr Chilvers **MOVED** and Cllr Mynott **SECONDED** that the application be **REFUSED**.

Following a discussion a recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Haigh, Keeble, Laplain, Morrissey and Mynott (6)

AGAINST: Cllrs Bridge, Jakobsson , Kerlake, McCheyne, Miss Sanders and Tanner (6)

ABSTAIN: (0)

The Chair used her Casting Vote and therefore the **MOTION** was **LOST**.

The Chair, Cllr Miss Sanders, **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED** then **WITHDREW** the Motion and **MOVED** that the application be **DEFERRED**.

A recorded vote was taken and Members voted as follows:

For: Cllrs Bridge, Chilvers, Haigh, Jakobsson, Keeble, Kerlake, Laplain, McCheyne, Morrissey, Mynott, Miss Sanders and Tanner.(12)

Against: (0)

Abstain (0)

It was **RESOLVED UNANIMOUSLY** that the application be **DEFERRED** to enable additional information to be sought in relation to the following concerns expressed by Members:

- Safety issues relating to the pedestrian access to La Plata Grove
- Noise and pollution issues relating to the elevated parking adjacent to La Plata

39. REGENT HOUSE, HUBERT ROAD, BRENTWOOD ESSEX Application No. 18/01601/OUT

OUTLINE APPLICATION WITHIN CAR PARK OF EXISTING RESIDENTIAL BLOCK COMPRISING 31 FLATS, INCLUDING 11 AFFORDABLE UNITS AND PARKING PROVIDED AT A RATIO OF 0.9 SPACES PER DWELLING (APPEARANCE AND LANDSCAPING RESERVED MATTERS)

The application had been referred by Ward Member Cllr Chilvers.

Cllr Chilvers and fellow Ward Members, Cllr S Cloke and Cllr Naylor spoke in objection to the application.

Mr Rafferty, representing the Developer, addressed the Committee in support of the application.

Cllr Kerlake **MOVED** and Cllr Tanner **SECONDED** that the application be **APPROVED**.

Following a discussion a recorded vote was taken. Cllr Chilvers, having referred the application to Committee, was precluded from voting. Members voted as follows:

FOR: Cllrs Jakobsson, Kerlake, McCheyne and Tanner (4)

AGAINST: Cllrs Haigh, Keeble, Laplain, Morrissey, Mynott and Miss Sanders (6)

ABSTAIN: Cllr Bridge (1)

The **MOTION** was **LOST**.

Cllr Mynott **MOVED** and Cllr Morrissey **SECONDED** that the application be **REFUSED**.

Members voted as follows:

FOR: Cllrs Haigh, Keeble, Laplain, Morrissey and Mynott (5)

AGAINST: Cllrs Jakobsson, Kerslake and Tanner (3)

ABSTAIN: Cllrs Bridge and Miss Sanders (2)

The application was **REFUSED** for the following reasons:

The proposal was unacceptable as it would have an unacceptable detrimental impact on visual amenity, the character and appearance of the surrounding area, on the general amenities of occupiers of Regent House and the occupiers of the proposed development by way of overlooking, lack of privacy and overbearing effect. The development did not represent a high standard of design and layout compatible with its location and surrounding development in terms of size, siting, scale, style, design and materials. The proposal therefore failed to comply with Policy CP1 of the Brentwood replacement local plan 2005.

40. BAYTREE CENTRE INCLUDING UNITS ALONG CHAPEL HIGH AND 40-42 HIGH STREET, BRENTWOOD, ESSEX Application No. 18/01745/FUL

WORKS TO CHAPEL RUINS TO INCLUDE HARD AND SOFT LANDSCAPING, PLANTING AND TREE PRUNING WORKS, REPLACEMENT OF STREET FURNITURE AND PAVEMENT RE-SURFACING. ALTERATIONS TO SHOPFRONTS FACADE ACROSS THE CENTRE INCLUDING 40-42 HIGH STREET. CHANGE OF USE OF FROM USE CLASS A1 TO A3 AT UNITS 25-27 AND UNITS 23-24, AND USE CLASS A1 TO D2 AT UNITS SU12 AND SU13 (BOTH GROUND AND FIRST FLOORS), 115SQ.M OF EXTERNAL RESTAURANT/CAFE SPACE AT CHAPEL HIGH, ASSOCIATED DRAINAGE AND UTILITIES WORKS.

Planning permission was sought for works to the surrounding chapel ruins to include re-surfacing of the pavement, removal of enclosures around the Scheduled Ancient Monument (SAM), replacement street furniture (benches and new display board); works to trees and the addition of a sculptural 'living' wall. As part of the refurbishments, repairs and maintenance work would be undertaken to the SAM which comprised the ruins of the Tower of the Chapel of St Thomas A Becket although all the original fabric of the ruins would be preserved. The alter was proposed to be retained as existing.

The application also sought permission for the amalgamation and change of use of smaller units from Class A1 retail to Class A3 restaurant/café along with the use of external space; replacement shopfront windows and new signage at façade level changes to the layout and use of Units SU12 and SU13 to provide for a Use Class D2 (Assembly and Leisure);. No extensions were proposed as part of the application.

Fr Mark North of St Thomas of Canterbury Church was present and addressed the Committee in support of the application.

Alex Chapman, representing the Developer, was present and addressed the Committee in support of the application.

Ward members Cllrs Gareth Barrett and Morrissey were supportive of the application.

Cllr McCheyne **MOVED** and Cllr Bridge **SECONDED** that the application be **APPROVED**, subject to a restriction on hot food being taken away from the proposed restaurant.

Members voted as follows:

For: Cllrs Bridge, Chilvers, Haigh, Jakobsson, Keeble, Kerlake, Laplain, McCheyne, Morrissey, Miss Sanders and Tanner.(11)

Against: Cllr Mynott (1)

Abstain (0)

The application was **APPROVED** subject to the following conditions:

Submission of a Unilateral Undertaking by the applicant to secure works around the chapel and additional condition to restrict the use of the units so that no hot food takeaway can be provided.

1 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Drawings

Unless formally permitted by the local planning authority the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 New Materials

Notwithstanding the submitted drawings, details and samples of all new materials within the St Thomas A Becket Chapel ruins and surrounding area as indicated on drawing no A11403 D2100 rev P3, including the dimensions of the agreed herringbone brickwork within the chapel ruins shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: in the interest of the setting and appearance of the Scheduled Ancient Monument, Grade II listed buildings and the character and appearance of the Brentwood Town Centre Conservation Area.

4 Conservation Management Plan

No development shall take place until such time as a Conservation Management Plan for the St Thomas a Becket Chapel ruins has been submitted to and approved in writing by the local planning authority in conjunction with Historic England. The report shall include full details of a scheme to include the methodology of repairs; proposed works, responsibilities and maintenance of the Scheduled Ancient Monument. The works as agreed shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of the appearance and integrity of the Scheduled Ancient Monument and nearby Grade II listed buildings.

5 Hours of Use - deliveries

No deliveries shall take place outside the following hours: 08:00 - 18:00; Mondays - Fridays, 08:00 – 18:00 Saturdays and there shall be no deliveries on Sundays and public holidays.

Reason: To safeguard the living conditions of nearby residents

6 Hours of Use (7 day opening)

The premises granted permission for change of use shall not be open for customers outside the following hours: Monday – Fridays 09:00 – Midnight, and Saturdays and Sundays 10:00 – 23:00.

Reason: To safeguard the living conditions of nearby residents.

7 Extraction units

Notwithstanding the details as submitted prior to first use of the premises granted permission for A3 use, full details of the means of ventilation and extraction, and dispersal of cooking smells and fumes, including details of odour control measures, noise levels and its appearance and finish, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use hereby permitted commences and permanently retained thereafter.

Reason: To safeguard the amenity of adjoining properties and the protect the general environment.

8 Construction Management

Given the location of the development in the centre of Brentwood, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy

9 Drainage

The Sustainable Urban Drainage system shall be implemented in accordance with the details set out within the Flood Risk Assessment document

Reason: In order to ensure adequate provision is made for surface water drainage.

10 Landscaping

Prior to the commencement of the development hereby permitted a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees and shrubs to be retained and provided, including the 'green wall', and a plan for its management and maintenance. Any newly planted tree or green wall that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

11 Replacement Tree

Prior to the removal of the tree hereby granted consent details of a replacement tree,

including its species, size and position shall be submitted to and agreed in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the replacement tree shall be planted during the first planting season following removal of this tree. If within five years the replacement tree dies, is removed or becomes severely damaged or seriously diseased, it shall be replaced within the next planting season after its death, removal or the recognition of the damage or disease.

Reason: In the interests of the visual amenities of the locality.

12 Agree works to trees

Details of the proposed works to the retained trees shall be submitted to and agreed in writing by the local planning authority prior to any such work commencing.

Reason: To enable the Council's Arboriculturalist opportunity to agree an appropriate schedule of work, in the interest of the visual amenity of the area.

13 Site levels

Details of existing and proposed site levels of works to the external areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area.

14 Shopfronts

Prior to the commencement of works the details of the new shopfronts shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area, given its proximity to the Brentwood Town Centre Conservation Area.

**41. BARNSTON WAY GARAGE SITE, HUTTON, BRENTWOOD, ESSEX .
CM13 1YE Application No. 19/00565/BBC**

DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 1 X 2 BEDROOM DWELLING AND 2 X 3 BEDROOM DWELLINGS. WIDENING OF EXISTING ACCESS ROAD TO 6M AND REFUSE IMPROVEMENTS AT THE REAR OF WHITTINGTON ROAD.

The application was being presented to the planning committee as Brentwood Borough Council was the applicant.

Ward Councillor Cllr Tanner spoke in support of the application and advised that local residents also supported the proposals.

Cllr Miss Sanders **MOVED** and Cllr McCheyne **SECONDED** a Motion to **APPROVE** the application.

During the discussion Members requested that the security of the adjacent green be addressed to prevent illegal incursions.

Following the discussion Members voted as follows:

For: Cllrs Bridge, Chilvers, Haigh, Jakobsson, Keeble, Kerlake, Laplain, McCheyne, Morrissey, Mynott, Miss Sanders and Tanner.(12)

Against: (0)

Abstain (0)

The application was **APPROVED** subject to the following conditions:

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT02 Samples (details not acceptable)

Notwithstanding the details indicated in the application, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area.

4 U30421

The first floor window(s) on the north facing elevation serving bathrooms shall be:-

a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

5 U30442

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works, including removal of the garage roofing material.
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN04 Landscaping - Small Developments

No development shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same

species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 U30423

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons

To safeguard the living conditions of the occupiers of neighbouring dwellings.

8 U30424

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To avoid overdevelopment of this small site.

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

10SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

11BOU01 Boundary treatment to be agreed (gen)

The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

12U30425

No development shall commence until a remediation scheme to bring the site to a suitable condition for residential development has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation scheme will be implemented prior to the commencement of any part of this planning permission (unless otherwise agreed in writing by the local planning authority). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.

o Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.

o The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: To protect the safety of future occupiers of the dwellings given the long history of vehicle related uses on the site.

13U30427

Prior to the occupation of the development, details for the provision of cycle parking for the dwellings without a garage shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and be retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

14U30443

Details of the replaced gate and fencing to the public open space shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the safety of users of the public open space is maintained.

15U30444

The widened access road onto Whittington Road shall be provided as shown in principle in the Proposed Block Plan drawing No. P001. The road shall be hardsurfaced for its full length.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

16U30428

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved by Essex County Council, and to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

42. Enforcement - Exempt Item

The Committee was requested to approve retrospective authority in relation to an enforcement notice and application for an injunction to restrain unauthorised development on land within the Borough. Although delegated authority existed for the enforcement notice and injunctive action retrospective authorisation was sought from the Committee to avoid any suggestion of bias or unfairness against the Council based upon an undertaking given by the Council by letter in 2005 that all decisions relating to the instant site should be made by Planning Committee only and not under delegated authority.

Cllr McCheyne **MOVED** and Cllr Miss Sanders **SECONDED** the recommendations in the report and it was

RESOLVED UNANIMOUSLY accordingly.

43. Urgent Business

There were no items of urgent business.