

# Minutes

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## Licensing Committee Tuesday, 13th January, 2015

### Attendance

Cllr Barrett (Chair)	Cllr Mrs Murphy
Cllr Newberry (Vice-Chair)	Cllr Mynott
Cllr Mrs Cohen	Cllr Reed
Cllr Mrs Hubbard	Cllr Russell
Cllr Lloyd	Cllr Tee

### Substitute Present

Cllr Cloke (substituting for Dr Naylor)  
Cllr Mrs Coe (substituting for Mrs Henwood)

### Officers Present

Ashley Culverwell	Head of Borough Health Safety and Localism
Zoey Foakes	Governance & Member Support Officer
Gary O'Shea	Principal Licensing Officer
Jean Sharp	Governance and Member Support Officer

### 375. Apologies for Absence

Apologies were received from Cllr Dr Naylor and Cllr Mrs Henwood.

### 376. Minutes of previous meetings

The Committee **RESOLVED** to approve the minutes of the 11 November 2014 Licensing Committee, 31 October and 19 December 2014 Licensing Sub-Committee meetings with an amendment to the latter that the resolution was made unanimously and they were signed by the Chair.

### **377. Review of Hackney Carriage Fare Setting Process**

Members were asked to recommend to the Audit and Scrutiny committee that a cross party task and finish group be set up to review the process for setting of tariffs in respect of Hackney Carriage fares and to suggest a programme for future fare setting.

The report sought the approval for Officers to work with the Taxi Trade Consultative Group as part of the review process.

**Cllr Barrett MOVED and Cllr Reed SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that:**

**A recommendation to Audit and Scrutiny Committee that a cross party Task and Finish Group be established in order to review the process for setting of tariffs in respect of Hackney Carriage fares and advise on a future programme for tariff setting; and**

**Members authorise officers to engage the Taxi Trade Consultative Group (TTCG) in the review process, also to review the TTCG as part of the process reporting any findings and recommendations to a future meeting of the Licensing Committee.**

### **378. Face to Face Direct Debit Charity Collectors**

The report sought Members' approval for officers to review a current agreement between Brentwood Borough Council and the Professional Fundraising Regulatory Association (PFRA) in respect of direct debit charity fundraising.

The report also requested that the Head of Borough Health Safety and Localism, in consultation with the Chair of the Licensing Committee be authorised to amend the site management agreement on behalf of the Council.

Members suggested that other shopping areas in the Borough be included in the review and that consultation be undertaken with relevant Ward Members, also that a Members' Forum be arranged to discuss door to door collectors and other charity collections and that a workshop be set up for all Members to attend.

Members noted that the PFRA was not obliged to report back to the Council regarding complaints made but it was thought reasonable that it be requested to do so.

**Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that**

**Members authorise officers to review the current site management agreement for face to face direct debit charity collectors and bring the amended agreement before Members of the committee for final authorisation in approximately six months' time.**

**379. Markets, including Specialist and Christmas Markets**

The report sought Members approval to approach the various Parish Councils with a view to gauge whether there was an interest or a desire to have a Market in their parish area.

**Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that:**

**Members authorise officers to:**

**i) write to all parish Councils to seek expressions of interest in having a general Market and/or a specialist or Christmas Market in their relevant parish areas; and**

**ii) to report back to a future meeting of the Licensing Committee with details of responses received and any relevant requirements for adoption areas as "license" or "consent" streets.**



## Minutes

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### **Planning and Development Control Committee Tuesday, 14th April, 2015**

#### **Attendance**

Cllr Baker (Chair)	Cllr Mrs Hones
Cllr Mynott (Vice-Chair)	Cllr Hossack
Cllr Cloke	Cllr McCheyne
Cllr Mrs Cohen	Cllr Mrs Squirrell

#### **Apologies**

#### **Substitute Present**

Cllr Lloyd (substituting for Cllr Morrissey)  
Cllr Quirk (substituting for Cllr Carter)  
Cllr Reed (substituting for Cllr Mrs Henwood)

#### **Also Present**

Cllr Mrs Murphy  
Cllr Ms Sanders  
Cllr Tee  
Cllr Crowley  
Cllr Harman  
Cllr Foan

#### **Officers Present**

Charlotte White	- Senior Planning Officer
Philip Cunliffe-Jones	- Planning Solicitor
Martyn Earl	- Senior Planning Officer
Gordon Glenday	- Head of Planning & Development
Claire Hayden	- Governance and Member Support Officer
Kathryn Mathews	- Senior Planning Officer
Paulette McAllister	- Design & Conservation Officer
Caroline McCaffrey	- Development Management Team Leader
David Carter	- Senior EHO (Team Leader)
Hillary Gore	- Highways Representative
Alan Marsh	- Arboricultural Assistant
Brendan Johnston	- Highways Representative

**558. Apologies for absence**

Apologies for absence were received by Cllr Mrs Henwood, Cllr Reed substituted; Cllr Morrissey, Cllr Lloyd substituted; and Cllr Carter, Cllr Quirk substituted.

**559. Minutes of the previous meeting**

The Minutes of the meeting held on 3<sup>rd</sup> March 2015 were agreed and signed by the Chair as a correct record, subject to a correction from Cllr Mrs Hones Min 471- Modern Planning Service: only Ward Members who do not sit on the Committee, Chair and Vice-Chair will be able to request Call-In. Where a Ward Member has called in an application that Member will not be able to sit on the Committee as a Substitute Member.

**560. Planning Application and Matters**

The Chair reminded those present of the procedure to be followed in order to allow the public, etc, to speak at the meeting, where requisite notice had been given.

Notwithstanding any comments made by the public, etc, Members were reminded that they had to base their decision on the material planning considerations appertaining to each application

**Petition – Hopefield Animal Sanctuary**

A petition was received by the Mayor at Full Council and stands referred to the Planning and Development Committee. The future allocation of the use of the land occupied by the Sanctuary will be considered in the Local Development Plan process. The Chair asked the Policy Team to ensure that the petition is taken into account, and the petitioners informed of the outcome.

**561. Variation in the Order of the Agenda**

Cllr Baker MOVED, Cllr Mynott SECONDED and it was **RESOLVED UNANIMOUSLY** that since a member was unwell, but wished to speak on item 7, this item will be moved to after item 3.

**562. POTENTIAL HOUSE 149 - 157 KINGS ROAD BRENTWOOD ESSEX CM14 4EG - APPLICATION NO: 14/01115/FUL**

Mr Pick was present and addressed the committee in support of the application. He explained that the application was for 12 rooms and that the occupiers would be chosen in co-operation with the local authority and would not be likely to have access to a car.

Ward Members raised concerns over the lack of facilities and Health and Safety within the development, lack of provision made for recycling or a communal bin area and parking, and sought advice from the Environmental Health Team Leader on the numbers of occupiers and standards and also car-free arrangements.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Quirk that the application be refused.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** to refuse this application for the following reason:

- 1 The occupiers of and visitors to the proposed HMO would not be provided with any off-street parking and so would need to park on the street close to the HMO but, as there is already competition for on-street parking spaces, the existing parking pressures during the evenings and weekends would be exacerbated which would increase the risk of illegal parking and add unacceptably to the risk of harm to highway safety, contrary to the NPPF (Section 4) and Policies CP1 (criteria iv and v) and T2 of the Brentwood Replacement Local Plan.
- 2 The HMO, as proposed, could accommodate up to 23 residents. On this basis, the proposed development would not provide an adequate quality of life for the occupiers of the proposed HMO as a result of the lack of private amenity space and external bin storage as well as the limited internal space and facilities, contrary to the NPPF (section 6) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

**563. WYNBARNES FARM 148 CHELMSFORD ROAD SHENFIELD ESSEX CM15 8RT - APPLICATION NO: 15/00024/FUL**

Mr Lorkins was present and addressed the Committee in support of the application.

Mr Gregory was also present and addressed the Committee in support of the application.

Ward Members spoke in support of the application. The Chair presented a letter from Solicitors for the owners of Wynbarnes Farm inviting the Committee to grant the application, subject to a time condition relating to a rent free twenty-five year lease, with an option to renew, to Hutton Football Club of the thirteen acre site within the farm .

Hutton Football Club must submit a separate application for the pitches that will be determined on its own merits in accordance with the Council's local plan.

A motion was **MOVED** by Cllr Cohen and **SECONDED** by Cllr Quirk to approve the application.

**FOR:** Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Quirk, Mrs Squirrell and Reed (10)

**AGAINST:** (0)

**ABSTAIN:** Cllr Mynott (1)

The Permission hereby granted shall not be commenced until after arrangements have been made in writing to the satisfaction of the Local Planning Authority securing the provision of football pitches on the land shown edged blue on the application plan.

**RESOLVED** to approve this application on the following conditions

Conditions

The Permission hereby granted shall not be commenced until after arrangements have been made in writing to the satisfaction of the Local Planning Authority, confirming football pitches will be provided to Hutton Football Club on a 25 year lease at no cost and a clear case made to enhance provision of community, sports and recreational facilities in the Borough.

**564. LAND TO THE SOUTH OF 229 BRENTWOOD ROAD HERONGATE ESSEX - APPLICATION NO: 14/01313/FUL**

Members were advised that the Chair disclosed a personal interest and therefore stepped down from this role as Chair on this application. Cllr Mynott become Chair for the duration of this item.

Cllr Mynott asked for nomination for a Vice-Chair for this item only. Cllr Mynott nominated Cllr Lloyd. A vote was taken on a show of hands and Cllr Lloyd was appointed Vice-Chair for the duration of this item.

Mr Anderson was present and addressed the Committee in objection of the application.

Mr Hayhurst was also present and addressed the Committee in support of the application.

Cllr Harman from Herongate and Ingrave Parish Council spoke in objection of the application and raised concerns relating to the wildlife, conservative area and traffic flow on the Brentwood Road (A128).

Highways Officer were not convinced that standards over visibility can be made for a new access road on a main distributor road. This would therefore be contrary the Local Transport Plan 2006-2011.

Ward Members spoke in objection of this application. Expressing her concerns with speeding and traffic flow.

A motion was MOVED by Cllr Mynott and SECONDED by Cllr Mrs Squirrell.

FOR: Cllrs Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd,  
McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED** that the planning permission is refused for the following reasons:

R1 U09466

The proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework). It would detract from the openness of the Green Belt and would represent an encroachment of development into the Green Belt countryside. The proposal would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 the objectives of which are fully consistent with the objectives of the Framework as regards development in Green Belts. The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. The Framework goes on to indicate that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The considerations set out by the applicant and identified by local planning authority do not clearly outweigh the harm to the Green Belt arising from this proposal and it follows that the "very special circumstances" needed to justify the approval of inappropriate development in the Green Belt have not been demonstrated.

R2 U09467

The design of the buildings, by reason of their repetition and uniformity fails to integrate into the existing natural, built and historic environment, which would detract from the character and appearance of the area in conflict with Policy CP1 (i) of the Brentwood Replacement Local Plan and one of the aims of the Framework (para. 56 and 61 refer) which requires new development to be of high quality and good design.

R3 U09468



As a result of its scale, siting and design the proposal would be unacceptably harmful to the setting of the Grade II\* registered park Thorndon Hall, the setting of the Grade II listed building Park House, and to the adjacent Conservation Areas. The harm to the significance of heritage assets would be "less than substantial" as defined by the Framework; however that harm would not be outweighed by public benefits arising from the proposal. The proposal would therefore conflict with Policies C14 and C15 of the Brentwood Replacement Local Plan and the objectives of the Framework as regards heritage assets. The matters put forward by the applicant are noted but these are not sufficient to outweigh the harm to heritage assets.

R4 U09469

There would not be provision of a sufficient vehicular visibility splay of 2.4m x 90m to the north, the creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The proposed development therefore conflicts with Policy T2 of the Brentwood Replacement Local Plan 2005 and the aims and objectives of the Framework.

R5 U09470

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, harm to the character and appearance of area including the conservation areas and Listed building. Therefore, the very special circumstances necessary to justify the grant of planning permission for inappropriate development do not exist.

*(Cllr Baker declared a non pecuniary interest under the Councils Code of Conduct by virtue knowing a family member of the owner and therefore stepped down from this role as Chair and did not participate in the discussion or vote)*

*The meeting was adjourned for 10 mins for a comfort break.*

**565. FORMER MOUNTNESSING SCRAP YARD ROMAN ROAD  
MOUNTNESSING ESSEX - APPLICATION NO: 14/01446/EIA**

Mr Simmonds was present and addressed the committee in support of the application.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to approve this application.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** to approve this application subject to the completion of a Section 106 Agreement including contributions Highways, Affordable Housing (on and off-site) open space and health contributions to a Doctor's Surgery and Education including extension to the local primary school, and to the following conditions:-

1 TIM03 Standard Time Outline - 3 years

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 U09673 RES MATTERS condition...

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) and reports and their recommendations 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 BOU01 Boundary treatment to be agreed (gen)

No boundary treatments or means of enclosure shall be erected 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.

4 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. 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. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

5 MAT01 Samples (details acceptable)

No development above ground 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.

6 MAT04 Surfacing materials

No hardsurfacing works shall take place until details of the surfacing materials of driveways and parking areas have been submitted to and approved in writing by the local planning authority. Construction shall be in strict accordance therewith.

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

7 SIT01 Site levels - to be submitted

No development shall take place until 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. 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. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

8 U09644

No development shall take place 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. 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. These details are required prior to the commencement of the development to ensure that highway safety is not compromised from the start of the works.

9 U09645

No development shall take place until details of the pedestrian islands in Widvale Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian islands shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To facilitate pedestrian and cycle movements between the proposed northern and southern part of the site in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe pedestrian and cycle movements are possible as a result of this development.

10 U09646

No development shall take place until details of the means to prevent right turning traffic into the proposed estate road immediately to the south west of the main access have been submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To ensure that traffic turning right into the estate road does not cause blocking to the Roman Road roundabout, in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe vehicular movements are possible as a result of this development.

11 U09647

Prior to the first occupation of the development hereby approved, the developer shall construct the access to the northern part of the site with a minimum clear to ground visibility of 2.4 metres x 59 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be retained free of obstruction thereafter.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

12 U09648

Prior to the first occupation of the development hereby approved, the developer shall construct a 3.5 metre footway/cycle route from the main site access around the A12, Junction 12, Interchange to connect to the existing footway/cycle route adjacent to Chelmsford Road.

Reason: To facilitate pedestrian and cycle movements between the site and the local area in the interest of highway safety and accessibility.

13 U09649

Prior to the first occupation of the development hereby approved the developer shall provide improvements to the northbound bus stop on Roman Road to include raised kerbs, a new shelter and shelter mounted Real Time Passenger Information, together with improvements to the southbound bus stop to include a new shelter and shelter mounted Real Time Passenger Information.

Reason: To encourage trips by public transport in the interest of accessibility.

14 U09650

Prior to the first occupation of the development hereby approved, the developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack. The packs shall include information in support of sustainable transport. Details of the packs shall have been submitted to and approved in writing by the Local Planning Authority. Each pack shall include six one day travel vouchers for use with the relevant local transport operator.

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

15 U09651

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstand to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

16 U09652

The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety.

17 U09653

There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

18 U09654

The development site is within 15 metres of a sewage pumping station. There should be no development within 15 metres from the boundary of a sewerage pumping station of this type.

Reason: In the interest of the residential amenity of future occupiers.

19 U09665

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed:

1. Finished first floor levels are set at or above 54.1m AOD
2. A scheme for the provision of compensatory storage shall be submitted and agreed with the Local Planning Authority prior to any development being undertaken.

Reasons:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To ensure flood risk is not increased elsewhere.

These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

20 U09666

No development hereby approved shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 033621 and subsequent emails dated 18th and 24th February.

Reason: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

21 U09667

Subsequent to further contaminated land investigations proposed by the developer, a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the start of the development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). 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 to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site. These details are needed prior to the commencement of the development to ensure that acceptable living conditions can be provided before the developer goes to the expense of beginning the development.

22 U09668

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 to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site.

23 U09669

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 or beneficial occupation of the office building hereby permitted 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: In the interest of the living conditions of the future occupiers of the site.

24 U09670

Noise emitted from the dwellings shall be lower than the existing background noise level (50.5 LA90,T dB(A)night) expressed as LA90, by at least 5dB at any time measured at the facade of the nearest residential dwelling.

Reason: To prevent any possible noise nuisance from any air handling/extraction/mechanical heat exchange units etc associated with the estate in the interest of the residential amenity of nearby residents.

25 U09671

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise, incorporating effective ventilation, in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal night noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of the residential amenity of nearby residents.

26 U09672

No development shall take place until arboricultural reports to include a management plan post development have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

27 U09674

No development shall take place until a full reptile mitigation plan, full bat mitigation plan and an ecological site management plan have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the ecological value and biodiversity on the site. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

28



Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

29.

No occupation <of any part of the permitted development / of each phase of development> shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The

long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

30

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

31.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

32.

No development shall take place until the a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development have been submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason:

To enhance the sustainability of the development through better use of water, energy and materials. . These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

33.

No development shall place until a scheme for the provision and implementation of rainwater harvesting has been submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

Reason:

To enhance the sustainability of the development through efficient use of water resources. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

34.

All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the

purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

35.

All tree and/or shrub clearance shall occur outside the bird breeding seasons:

Reason: In the interest of the biodiversity of the site.

**566. FORMER ELLIOTS NIGHTCLUB AND PETROL STATION, SOUTHEND  
ARTIERIAL ROAD, WEST HORNDON, ESSEX APPLICATION NO:  
14/1247/FUL**

Mr Chapman was present and address to committee in support of the application.

Cllr Foan from West Horndon Parish Council spoke in support of the redevelopment of the site.

Members debated the application. The site has been vacant for 30 years, is a brownfield site and has an extant permission. The development would provide housing for the Borough.

Members considered that these matters clearly outweighed the harm the development would cause to the Green Belt and all other harm, in this case.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Mrs Squirrell to approve this application.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd,  
McCheyne and Mrs Squirrell (8)

AGAINST: (0)

ABSTAIN: Cllr Mynott and Reed (2)

**RESOLVED:** The Application be approved subject to a S106 Agreement securing contributions of £64,988 Education Contribution towards the provision of primary school places, extension of the footway along the A127 slip road a contribution of £60,000 towards public open space and affordable housing (at a level to be agreed) and subject to the following conditions;

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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 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.
- 3 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.
- 4 Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. 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.
- 5 The development shall not be commenced 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no development falling within Class E of that Order (buildings, enclosures, swimming or other pools) shall be carried out without the prior grant of specific planning permission by the local planning authority. Reasons: To safeguard the living conditions of the occupiers of the new dwellings (Plots 3-6) and to prevent a proliferation of buildings that would conflict with the policies of restraint within the Green Belt.
- 8 The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently removed from the site prior to the first occupation of any part of the development hereby permitted. Reason - In the interests of maintaining the openness of the Green Belt.
- 9 No development shall take place, including any ground works or 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. 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.
- 10 No development shall take place until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage - including surface water runoff from the proposed noise bunds) shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.
- 11 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or

bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling. Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 12 The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials. Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety.
- 13 No development shall take place until, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the A127 slip road to the north and 2.4 metres by 215 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.
- 14 The proposed development shall not be occupied until such time as the vehicle parking area indicated on Drawing no.D.01 Revision D, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
- 15 The cycle parking facilities as shown on Drawing No. D.01 Revision D, are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
- 16 Prior to the first occupation of the development hereby approved, the developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack. The packs shall include information in support of sustainable transport. Details of the packs shall have been submitted to and approved in writing by the Local Planning Authority. Each pack shall include six one day travel vouchers for use with the relevant local transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 17 Where material is imported on site, the importation shall be of uncontaminated soils only. Reason: In the interests of the health and safety of existing and future residents.
- 18 Details of the surfacing materials of driveways and parking areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved and construction shall be in strict accordance therewith. Reason: In order to safeguard the character and appearance of the area.
- 19 No development hereby approved shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are occupied. Reason: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water and ensure the system operates as designed for the lifetime of the development.
- 20 Subsequent to further contaminated land investigations proposed by the developer, a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the start of the development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). 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 to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site. Reason: In the interest of the living conditions of the future occupiers of the site.
- 21 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 to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site. Reason: In the interest of the living conditions of the future occupiers of the site.
- 22 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 or beneficial occupation of the office building hereby permitted 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: In the interest of the living conditions of the future occupiers of the site.

- 23 All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.
- 24 The acoustic screen shall be completed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted. Reason: In order to ensure that the occupiers of the dwellings are not exposed to unacceptable levels of traffic noise disturbance.
- 25 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) and supporting documents listed above, and specifications. Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

*(Cllr Quirk declared a non pecuniary interest under the Council Code of Conduct by virtue of knowing the applicant and therefore left the Chamber and did not participate in the discussion or vote).*

**567. 9 THORNDON AVENUE WEST HORNDON ESSEX CM13 3TT - APPLICATION NO: 14/01473/FUL**

Mr Dagg was present and addressed the committee in objection to the application.

Mr Newton was also present and addressed the committee in support of the application.

Cllr Foan, West Horndon Parish Council expressed concerns relating to safe accessing the A127.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Lloyd to refuse this application.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: Cllr Mynott (1)

**RESOLVED:** This application is refused for the following reason:

The proposal represents tandem development out of character in West Horndon, and would have an unacceptably adverse impact on the amenities of the adjoining premises 11 Thorndon Avenue.

**568. KELROSE LITTLE WARLEY HALL LANE LITTLE WARLEY ESSEX CM13 3EU - APPLICATION NO: 15/00011/FUL**

Mr Aves was present and addressed the committee in support of the application.

A Ward Member was present and spoke about the support shown by residents to this application, as the replacement building seemed to be a welcome improvement.

Members considered that, on balance, the proposal was acceptable.

A motion was MOVED Cllr Baker and SECONDED by Cllr Mynott to approve this application.

FOR: Cllrs Baker, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED** to approve this application on the following conditions.

- 1 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 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.
- 3 The development shall not be commenced 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.
- 4 The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently removed from the site prior to the first occupation of any part of the development hereby permitted. Reason - In the interests of maintaining the openness of the Green Belt.
- 5 The relationship between the height of the building hereby permitted and adjacent buildings shall be as indicated on the approved drawing. Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.
- 6 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 No development shall take place until details of a privacy screen along the southern boundary of the site have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved screen has been constructed and the screen shall be retained in perpetuity. Reason: In

the interests of the privacy of the occupiers of the existing and proposed dwellings.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt
- 9 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.

*(Cllr Cloke declared a non pecuniary interest under the Council Code of Conduct by virtue of owning the neighbour to the applicant and therefore left the Chamber and did not participate in the discussion or vote).*

## **569. Urgent business**

### **Urgent Business – Article 4 Directions for Barrack Wood, Warley**

Barrack Wood in Warley was purchased in 2014 by Woodland Investment Management Limited. Barrack Wood comprises two sites - one of 55 acres and the other of 8 acres. According to the purchaser's website, Woodlands.co.uk, it sells off plots of woodland so that "people can have a wood of their own". The company is now actively marketing Barrack Wood and Burnt Wood for sale on the open market (see Appendix for site map). There is a SOLD sign erected on the Warley Wood site within Barrack Wood of 4.4 acres.

While the sale of the woodland is perfectly legal, the exercise of the permitted development rights each individual woodland plot owner would be entitled to would harm the woodland's amenity character and bio-diversity. In considering this issue there are national and local policies to consider, in particular whether pro-active measures are justified to withdraw permitted development rights. It is considered that the development under permitted development rights without an express planning permission enabling detailed consideration would be prejudicial to the proper planning of the area and a threat to the amenities.

The Government has consolidated and amended Permitted Development rights (Statutory Instrument 2015 No.596) which comes into effect on the 15th April 2015. In order to ensure the managed stewardship of these precious woodlands, the Council is therefore recommended to authorise an Article 4 Direction so that the permitted development rights are withdrawn. If the

recommended Article 4 Direction is agreed, all development works within the woodlands would require planning permission. Approved woodland management agreed by the Forestry Commission would be permitted.

The procedure for Article 4 Directions is set out in Schedule to the 2015 consolidated Order. The Direction relating to the erection of any means of enclosure within the woodlands, changes of use and temporary uses will have immediate effect. The Direction relating to use as a caravan site and for recreational facilities, agriculture and forestry and development relating to roads will not have effect until confirmed.

The previous owner of Barrack Wood has other woodlands in the Borough with similar characteristics to Barrack Wood. It is recommended that authority be delegated to the Head of Planning after consultation with the Chair of the Committee and Ward Members to issue and serve similar Article 4 directions if those or other comparable woodlands appear to be under similar threat in the future.

A motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott to accept the recommendation set out in the report. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

- 1. That the Article 4 Direction shown in the Appendix be authorised and served.**
- 2. That authority be delegated to Head of Planning, after consultation with the Chair and Ward Members, to issue and serve similar article 4 Directions in relation to other comparable woodlands in the Borough if they appear to be under similar threat in the future.**

#### **REASON FOR DECISION**

Given the potential immediate threat to the integrity of the woodlands affected, it is deemed necessary to issue the two Article 4 Directions, one of which should take immediate effect due to the potential risk of inappropriate works.

The meeting concluded at 11.30pm