

## **LAND AT DODDLEPOOL, BETLEY reference 17/00186/207C2**

The purpose of this report is to provide Members with an update of the progress in relation to this site following a planning application for the retention and completion of a partially constructed agricultural track, reference 18/00299/FUL, which came before the Planning Committee on the 6<sup>th</sup> November 2018.

### **RECOMMENDATION**

**That the information be received.**

The site has a long history of unauthorised activity that has had an adverse impact on the residential amenity of nearby residential properties.

The application that came before Planning Committee on 6<sup>th</sup> November sought full planning permission for the retention and completion of a partially constructed track. The works that had already been undertaken were subject to an Enforcement Notice and Stop Notice, served on the landowners in May 2018. An appeal against the Enforcement Notice was lodged but subsequent to the issuing of the planning permission for the retention and completion of the partially constructed track on the 9<sup>th</sup> November 2018, in accordance with the decision of Planning Committee on 6<sup>th</sup> November, the Stop Notice and Enforcement Notice were withdrawn and the landowner subsequently withdrew their planning appeal against the Enforcement Notice.

Planning permission 18/00299/FUL was granted subject to thirteen conditions. Two of the conditions required information to be submitted to the LPA prior to works recommencing on the site.

The pre-commencement conditions are as follows;

*“11. The development hereby permitted shall not be recommenced until details of measures to prevent the deposition of deleterious material on the public highway during the construction phase have been submitted to and approved in writing by the Local Planning Authority which shall thereafter be implemented in accordance with the approved details.*

*Reason for the condition and the need for it to be pre-commencement: Mud and debris on the roads has the potential to impact on highways safety as soon as works commence and measures need to be put in place to avoid detriment to highway safety in accordance with the aims and objectives of the National Planning Policy Framework (2018).” and*

*“13. The development hereby permitted shall not be recommenced until details of dust mitigation measures that prevent detriment to the amenity of residential properties shall be submitted to and approved in writing with the Local Planning Authority. The approved measures shall be implemented for the duration of the development.*

*Reason for the condition and the need for it to be pre-commencement: Dust caused by HGV vehicles can cause impact to neighbouring residential amenity levels as soon as works commence and measures need to be put in place to avoid harm to residential properties in accordance with the aims and objectives of the National Planning Policy Framework (2018).”*

Following the grant of planning permission, your officers did receive communication that works had recommenced. Such works were in breach of conditions 11 and 13 as the details as required by those conditions before the requirement of the conditions set out above and as such the landowner was immediately contacted. As far as your officers are aware such works ceased and no further works have been undertaken since the planning permission was issued.

The landowner has now submitted condition approval applications providing details to satisfy conditions 11 and 13. These applications are pending consideration and decisions are likely to be made in the next few weeks.

Date Report Prepared – 17<sup>th</sup> December 2018