



# Value Overview & Scrutiny Committee

3 September 2013

# REPORT

**Subject Heading:**

Requisition of Cabinet Decision -  
Appropriation of Land for Planning  
Purposes & Open Space Processes  
relating to the site of the Old Windmill Hall  
and the Adjacent Car Park

**CMT Lead:**

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Group Director, Finance & Commerce  
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**Report Author and contact details:**

**Policy context:**

**Financial summary:**

No significant financial impact. The costs  
of appropriation processes are being met  
from existing budgets.

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

## SUMMARY

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by two Members representing more than one Group (Councillors Gillian Ford and Keith Darvill) have called in the Executive Decision of 14 August 2013.

## RECOMMENDATION

**That the Committee considers the requisition of the Executive Decision and determines whether to uphold it.**

## REPORT DETAIL

An Executive Decision was taken at the Cabinet meeting held on 14 August 2013; the decision taken was:

1. That, having considered the responses made to the public notices in respect of land at the site of the Old Windmill Hall and the adjacent car park in connection with the proposed disposal and appropriation of land for planning purposes, Cabinet approval is given to proceed with:-
  - a) The disposal of 191 sq metres of open space shaded in blue in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) under Section 123 of the Local Government Act 1972.
  - b) The inclusion within Upminster Park of the 191 sq metres of land to be used as open space shaded in green in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) under Sections 122(1), 2(A) and 2(B) of the Local Government Act 1972.

- c) The appropriation of the site shown outlined in red in drawing SPS 1294/1 Rev A (attached as Appendix 1 to the Cabinet report) to planning purposes.

## **REASONS FOR REQUISITION**

The reasons for the requisition were detailed on the formal notification and were as follows:

We the undersigned, Cllrs' Gillian Ford and Keith Darvill, hereby requisition the Cabinet Decision made on 14<sup>th</sup> August 2013 in respect of the above mentioned report on the following grounds:-

1. Paragraph 3.8 of the report states that the Council should only propose to appropriate land for planning purposes if it promotes or improves the economic, social or environmental wellbeing of the area. The report provides no justification to support any of these conditions and therefore does not meet the test.
2. The issue of car parking space was not considered in enough depth. The existing 'Old Windmill' car park is well used and the impact on reducing the number of spaces was not adequately dealt with.
3. The application for Lottery funding for the Upminster Windmill states that any development opposite the site could adversely affect the success of the application. This was not considered in any depth.
4. The potential negative impact on the adjoining New Windmill Hall Association was not given consideration.
5. Given a response of 400 letters and a petition in excess of 2,500 objecting to the appropriation, the level of objections was not given enough weight in the report.
6. Pre-determination correspondence should be considered.

Cllr Gillian Ford  
Deputy Leader of the Residents' Association Group

Cllr Keith Darvill  
Leader of the Labour Group

Background Papers – None.

Appendix – Cabinet Report, 14 August 2013