

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 25TH OCTOBER, 2022 AT 6.01 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Alexander, Baker, Codling, V E Guglielmi, Harris, Placey and Wiggins
Also Present:	Councillors Griffiths and G V Guglielmi
In Attendance:	Gary Guiver (Acting Director (Planning)), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Michael Pingram (Planning Officer)(except item 60) and Mark Wilson (Development Technician - Technical)

53. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of the Vice-Chairman of the Committee (Councillor Fowler). There was no substitute appointed.

At the request of the Chairman (Councillor White), and with the consent of the Committee, Councillor Baker occupied the Vice-Chairman's seat in order to assist the Chairman in the efficient conduct of the meeting.

54. MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 22 AND 27 SEPTEMBER 2022

The minutes of the meetings of the Committee, held on 22 and 27 September 2022, were approved as correct records and signed by the Chairman.

55. DECLARATIONS OF INTEREST

Councillors Placey and V E Guglielmi both reminded Members that they had not been present at the meeting of the Committee held on 2 August 2022 when Planning Application 22/01083/FUL (618 Main Road, Upper Dovercourt) had initially been considered. They informed the meeting that they would therefore not take part in the determination of that application.

The Committee Services Manager (Ian Ford) declared a personal interest in agenda item 8 (petition in relation to an alleged planning enforcement matter at Nelson Road, Clacton-on-Sea) insofar as his mother was a resident of Nelson Road though she had not been a signatory to that petition.

56. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice on this occasion.

57. A.1 PLANNING APPLICATION - 22/01083/FUL - 618 MAIN ROAD, UPPER DOVERCOURT, CO12 4LS

Earlier on in the meeting Councillors Placey and V E Guglielmi had both reminded Members that they had not been present at the meeting of the Committee held on 2

August 2022 when Planning Application 22/01083/FUL (618 Main Road, Upper Dovercourt) had initially been considered. They therefore took no part in the determination of the application.

The Committee recalled that it had deferred the determination of this application at its meeting held on 2 August 2022 in order to allow the applicant time to undertake and submit a noise impact assessment and noise management plan for the premises.

It was reported that the submitted report DAA Group, ISSUE 01 dated 10th September 2022 had covered both the noise impact assessment and the noise management plan. There had been no objections received from the Council's Environmental Health team to the report or plan subject to conditions to ensure that the enforceable and planning related elements of the noise management plan was adhered to at all times and that the recommended mitigation for the plant was undertaken, in order to minimise the noise and disturbance to neighbouring occupiers.

Members were reminded that the proposal was for the change of use of the redundant Methodist Church and Hall (Class F1) to a Members only community social club, comprising of a bar area for darts and pool within the main church building and a community/function events use of the rear hall. The site was located within the settlement development boundary of Harwich and Dovercourt

The Committee was aware that the application was part retrospective as the majority of the works, mostly internal had been completed. ECC Place Services had had no concerns regarding the conversion or its impact on the neighbouring Grade II Listed Public House, The Trafalgar. Given its current use as a Church and function hall, its sustainable location, along with its local community membership use, the proposal was also acceptable in regards to its Highways and Parking impacts.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (Jacob Jaarsma) in respect of the application. An update sheet had been circulated to the Committee prior to the meeting comprising:-

- (1) a revised proposed condition 3 to take into account specific elements of the submitted noise management plan and to ensure that those elements were implemented in full before first use; and
- (2) the applicant's Operation Plan (dated 7 September 2022) for the premises.

No public speaking on the application was permitted at this time as this had taken place at the meeting held on 2 August 2022.

Outline of matters raised by the Committee	Outline of the Officer response thereto
Were Officers satisfied with the contents of the Noise Impact Assessment and the Noise Management Plan?	The Council's Environmental Health section had been consulted. They had raised no objections subject to the imposition of appropriate planning conditions.

<p>If the Committee was minded to approve the planning application what assurances could be given to the local residents should noise et cetera become an issue i.e. what action could be taken?</p>	<p>The potential for noise nuisance was the key aspect of this application. There were several avenues available for public complaints. If it was an alleged breach of the planning conditions then a complaint could be submitted to the Council's planning enforcement section. If there was alleged persistent noise emanating from the premises then a complaint could be submitted to the Council's Environmental Health section. If there was alleged inconsiderate or illegal parking at the site then a complaint could be submitted to the North Essex Parking Partnership. If there was alleged dangerous parking at the site then a complaint should be submitted to Essex Police. If there were alleged breaches of the conditions of the Premises Licence then a complaint could be submitted to the Council's Licensing section.</p>
<p>Clarification was sought between the difference in the permitted hours of operation between the Premises Licence and the proposed planning conditions.</p>	<p>The hours imposed as a result of any planning permission would take precedence over those on the Premises Licence.</p>
<p>Had there been any complaints made about noise emanating from the adjacent Trafalgar Public House?</p>	<p>There had been a small number of historic planning enforcement complaints. Environmental Health had received a complaint about noise in April 2022 and before that in 2010.</p>
<p>Could proposed Condition 6 be extended to cover Saturdays and Sundays as well?</p>	<p>The reasoning behind this proposed condition was to allow the Cemetery to operate (i.e. to conduct funerals) without undue disturbance. The Committee could extend the condition to include Saturdays and Sundays if it felt it to be reasonable having considered all material aspects of the application.</p>
<p>Did the opening hours of the Social Club and The Trafalgar Public House compare?</p>	<p>They were very similar.</p>
<p>Could both premises coincide in the discharge of their patrons onto the streets?</p>	<p>Yes, this was a possibility.</p>
<p>Could a maximum capacity limit (i.e. of patrons) be imposed on the Social Club?</p>	<p>This would be a Members Only Club. Capacity would be very difficult to enforce. The Committee also had to take into account its "reasonableness" and whether it was a material planning consideration.</p>

<p>The site had a very narrow access road. Parking was a material issue. What advice could Officers give?</p>	<p>Parking was a challenge in that vicinity. Members had to consider that it was an existing building within the Settlement Boundary with pre-existing road/parking environment. Due regard also had to be given to the fall-back position of its previous use as a Chapel & Hall (Class F1) with no parking restrictions. In addition, County Highways had not objected to the application.</p>
<p>Did the Committee need to take into account that fall-back position?</p>	<p>Yes, especially as Class F1 (which covered various descriptions) was a realistic fallback position. However it was firmly acknowledged that an F1 use could be very different to use as a Social Club (Sui Generis).</p>

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Baker and:-

RESOLVED that the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022) be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022).

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents:

Location Plan title number EX853863
 Proposed Ground Floor Plan
 DAA Group report submitted, Issue 01, dated 10th September 2022.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. Prior to the first use of the Social Club hereby approved the following must be implemented:-
 - a) The main front door when closed, should achieve minimum 30 dB Rw, including perimeter acoustic seals to ensure noise breakout is controlled.
 - b) The installed plant (Multiplex heat pump advanced- Model 09-0204-01 and J and E Hall model J5LC20CV1 Condenser Unit) must be fully enclosed in an acoustic

enclosure with an insertion loss of 14dB or greater. The units must be isolated from the structure of the building using anti-vibration. The isolators shall incorporate rubber or neoprene high-frequency isolation pads

- c) The management must make available a contact number for local residents to contact the premises to discuss any specific incidents or concerns either during or after events. The contact number must be displayed in the window at the front of the premises at all times.
- d) Notices must be displayed to inform customers of the applicant's commitment to local concerns. Prominent, clear and legible notices must be displayed at the exits of the social club requesting the users of the social club to respect residents and to leave the premises and the area quietly at all times.

The Social Club hereby approved must operate fully in accordance with the points a-d above and as outlined in the relevant sections of the noise impact assessment - DAA Group report submitted, Issue 01, dated 10th September 2022.

Reason: In the interests of residential amenity

4. The development hereby approved shall open to the public only within the following opening times:

Monday to Thursdays - 12.00 until 23.00

Friday and Saturdays – 12.00 until 0.00

Sundays 11.00 until 23.00

Permanent Staff employed to work at the site may be on-site outside of these hours. .

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

5. There shall be no deliveries, or collections or related services before 08:00 and after 21:00 each day.

Reason: In the interests of residential amenity

6. There shall be no live or other form of music and/or other noise generating entertainment outside the the opening hours available to the public as detailed by condition 4 and in addition no live or other form of music and/or other noise generating entertainment between the hours of 10am – 4pm Monday to Friday.

Reason: To prevent disturbance to visitors to the neighbouring cemetery and residential amenity.

58. A.4 - PETITION: ALLEGED PLANNING ENFORCEMENT MATTER AT NELSON ROAD, CLACTON-ON-SEA

Earlier on in the meeting the Committee Services Manager (Ian Ford) had declared a personal interest in the subject matter of this item for the reasons outlined in Minute 55 above.

It was reported that a Petition, supported by 60 residents of Nelson Road, Clacton-on-Sea (plus 33 residents of other streets in Clacton), had been submitted in relation to an alleged planning enforcement matter in that street. The Petition called on this Council to urgently exercise its planning enforcement powers and to serve a Breach of Condition Notice on Lane Homes Construction Group for the alleged non-compliance with planning permission for the construction of nine 'Town Houses' at 6 Nelson Road, namely the alleged failure to make good the unmade pavement and drop kerbs. The Petition was worded as follows:-

"We, the under-signed, being concerned residents of Nelson Road, Clacton-on-Sea who are directly affected by the issue of the unmade pavement and drop kerbs, call on Tendring District Council, to urgently exercise its planning enforcement powers and to serve a Breach of Condition Notice on Lane Homes Construction Group in order to ensure that the contractor responsible for the nine new build houses makes good the unmade pavement and drop kerbs in Nelson Road that are required by the planning permission for this site."

Planning Enforcement was a non-executive function and therefore the Planning Committee was the appropriate body to consider this matter.

The Committee was made aware that, in accordance with the Council's adopted Scheme for Dealing with Petitions, the receipt of this Petition would be reported, for Members' information, to the meeting of the Full Council due to be held on 22 November 2022. However, in view of the urgency of this matter, it had been felt appropriate by Officers to bring this petition to the first practicable meeting of this Committee for Members' consideration.

In accordance with the Council's adopted Scheme for Dealing with Petitions, the Lead Petitioner, Maria Monteith addressed the Committee, and outlined the reasons for the submission of the petition and what action the petitioners wanted the Council to take.

At the invitation of the Chairman, Councillor Griffiths, one of the Ward Members, similarly addressed the Committee.

The Acting Director (Planning) reported that, on 13 July 2022, Essex County Council had confirmed that the pavement issues and related highway matters subject to the Petition all fell under their jurisdiction and that they were liaising with the developer in that respect. Matters relating to dropped kerbs were outside of the curtilage, which formed the boundary of the site, and therefore not covered by planning conditions. In conclusion, the works were not subject to conditions that could be enforced as a breach of condition and were works in the highway that fell to Essex County Council to resolve and as necessary to enforce. Tendring District Council could not legally address the situation as presented and did not have any enforcement power it could exercise. Tendring District Council had respectfully asked Essex County Council to resolve this matter as soon as possible on previous occasions.

On that basis, no action in planning terms could be recommended as a result of this petition and so it was reported without an Officer recommendation.

Outline of matters raised by Members of the Committee	Outline of Officer response thereto
Was this a condition of the planning permission? Why had it not been complied with?	Yes it was. The issue outstanding was the license for the construction of the drop kerbs, which was a County Council matter and not a matter for this Council. It had not been complied with as the developer had not yet been granted that licence by the County Council.
Who was at fault here? Was it the Developer or was it the County Council?	There was fault on both sides. The matter had taken much too long to resolve and it had now become a significant public issue.
If a member of the public had an accident traversing the land in question who would be liable? Would it be ECC Highways?	Yes, it would be ECC Highways as the land in question was highways land.

Having duly considered and discussed the matter:-

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

RESOLVED that the Planning Committee instructs this Council's Director of Planning to write, formally, to the Portfolio Holder responsible for Highways at Essex County Council to escalate this matter with a view to a speedy and satisfactory resolution – bearing in mind this is a matter that has been unresolved for in excess of a year and should have been concluded prior to occupation of the new homes.

The letter will explain that there has been a strong petition from a significant number of local residents that, with good reason, demonstrates that this is a matter of great public interest which is causing a great deal of local distress and which is undermining the public's faith in both their District and County Councils in carrying out their duties. Furthermore, the state of the footway has given rise to genuine concerns about the safety of pedestrians and damage to residents' vehicles – which could potentially give rise to claims against the Highway Authority as it falls within its duty to maintain the public highway.

With the full support and backing of the Members of this Planning Committee, the letter will demand that the completion of the footpath is given a higher priority and is resolved as a matter of urgency, utilising the available enforcement powers if necessary, and that this Council is provided with an explanation of the current position and a timetable for completing the works – which can be reported back to the Planning Committee and local residents.

59. A.2 PLANNING APPLICATION - 22/01088/FUL - 71 LONG ROAD, LAWFORD, MANNINGTREE CO11 2HR

It was reported that this application was before the Planning Committee following a joint Member referral request from Councillors Giancarlo Guglielmi and Alan Coley due to their concerns raised in respect of the impact of the proposal on local residential amenities.

Members were informed that the proposal was for the change of use of the existing residential dwelling into Use Class C2 (Residential Institutions) to operate as a children’s care home that would provide care for up to five children between the ages of 8 and 18, and would include between one and three members of staff who would rotate on a shift basis.

The Committee was reminded that Policy LP10 provided, in principle, support for such uses within settlement development boundaries, whilst the minor external alterations would not adversely impact upon the area’s character and appearance. In addition, there were not considered by Officers to be significant noise disturbances to warrant recommending a reason for refusal, and the development provided for adequate car parking provision.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Planning Officer (Michael Pingram) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of one additional objection letter received from Lawford Parish Council on the following grounds:

- 1) *Concerns regarding the level of staffing and the impact of this on the safety of the children concerned;*
- 2) *The mixture of gender and age of the children and again the safety of the children concerned;*
- 3) *The impact on the neighbours with increased ‘comings and goings’; and*
- 4) *The pressure on local schools which are already at capacity.*

Lee Reed, the agent acting on behalf of the applicant, spoke in support of the application.

Councillor Carlo Guglielmi, a local Ward Member, spoke against the application.

Councillor Guglielmi also read out a written statement on behalf of his fellow Ward Member, Councillor Alan Coley, who had been unable to attend the meeting due to illness.

Outline of matters raised by Members of the Committee	Outline of Officer response thereto
Clarification sought as to whether any of the children would be in mainstream schools.	There was no indication that any of the, potentially, five children would be educated in mainstream schools.
There were only four parking spaces at the site so was this an issue for the children’s transport?	Yes, there was a slight shortfall in parking spaces against the ECC Car Parking Standards but this was mitigated by the fact that the site was within 300 metres of a bus stop, was located within a Settlement Development Boundary and that Essex

	Highways Authority had offered no objections. Furthermore, it would be a rare occurrence that all the spaces would be needed at the same time.
What were the sleeping arrangements for the night staff on duty?	An upstairs bathroom had been divided into part bathroom/part bedroom where one member of staff will sleep whilst 'on call' and the other member of staff would be on duty.
What would be the gender makeup of the children?	This was not known.
Would Fire Regulations apply?	Yes. This would be part of the Building Regulations approval, which would be required as the property would be converted.
Was it known what sort of 'needs' the children had?	It was believed that they would be on the autism spectrum, but the end users were not known at this stage.
Would this development impact on the street scene and the amenity of neighbours for example noise nuisance and traffic movements?	This had been carefully considered and covered in the report. For the reasons given in the report the application was felt to be acceptable as no significant harm had been demonstrated.
The objections that Lawford Parish Council had put forward – were they legitimate planning considerations?	(1) Yes (2) No and Yes (3) Yes (4) Yes
What were the views of ECC Education and ECC Social Care on this application? Had they been involved?	ECC Education had been consulted but had not provided any comments. ECC Social Care would become involved later on if planning permission was granted and the project developed.
Could this become a HMO?	Permission for a C2 use was being sought. An HMO would require a separate planning permission and failing that it would be a breach of this planning permission (should it be granted).
Are there any restrictions on the use of the parking spaces?	No.
Would this development need gates to be installed as it opened straight onto a main road and therefore the children could be at risk?	There was no provision in the application or requirement under the proposed conditions for gates. The property was currently a domestic dwelling that could potentially have children living there. Any gates would be a consideration for the applicant going forward. Gates up to 1m high directly adjacent to a highway could be installed at any time under permitted development rights.
Proposed condition 3 does not specify	That would be a reasonable addition to

the ages of the children. Should it?	the proposed condition.
Was there any impact on the Conservation Area?	The property was adjacent to the Conservation Area. The proposed external alterations were minor and therefore were not considered to result in a negative impact on the Conservation Area.
Was it correct that the security of the children was a matter for ECC Social Care and OfSTED?	Yes, that was correct.

Following discussion by the Committee:-

It was moved by Councillor Harris, seconded by Councillor Baker and:-

RESOLVED that the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022) be authorised to grant planning permission, subject to the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022).

Conditions and Reasons

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers 443-01 Rev A (Site Location and Block Plan), 443-11 Rev A (Proposed Ground/First Floor Plans, Proposed Elevation & Site Plan', the document titled 'Planning Statement', and the letter received from the agent for the application dated 29th September 2022 with a reference of 36088.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall operate with a maximum of five children (between 8-18 years of age) to reside at the property at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason – The proposal has been assessed on this basis, to ensure that the use is appropriate within this residential location, and to protect neighbouring amenities.

60. A.3 PLANNING APPLICATION - 22/01041/FUL - LAND TO REAR OF THREE ELMS, HARTS LANE, ARDLEIGH CO7 7QH

It was reported that this application had been referred to the Planning Committee as the proposed development would conflict with the requirements of the Development Plan,

principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) as the site was located outside of any defined settlement development boundary, and it had an Officer recommendation of approval.

The Committee was informed that the proposed dwelling was not considered to be so materially different in regards to siting, height, footprint to the development approved under prior approval 22/00517/COUNOT and was similar in size, scale and appearance to the new dwellings approved within the wider site.

In the absence of any material harm resulting from the development in regards to its individual appearance, impact on the wider street scene and the character and appearance of the rural landscape, the application had been recommended by Officers for approval. Furthermore, the proposal would not result in any detrimental impact on neighbour amenity and there no concerns had been raised in regard to parking and highway matters.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (Jacob Jaarsma) in respect of the application. He informed Members that the required Unilateral Undertaking agreement had now been completed.

Mollie Foley, the agent acting on behalf of the applicant, spoke in support of the application.

Outline of matters raised by members of the Committee	Outline of Officer response thereto
Why had a proposed planning condition that sought the removal of permitted development rights been included?	This was an Officer recommendation that aimed at preventing the uncontrolled outward extension/augmentation of this fifth dwelling. The Officer accepted that the Applicant's Agent had made good points as to its necessity and particularly its reasonableness given the fact that this condition had not been applied to the other four properties. Members could remove the condition if they so desired.
Had Officers considered solar panels for this dwelling?	A renewable energy development plan could be considered.
Are the other four dwellings outside the settlement development boundary? If so, would not it be the case that any extensions into the garden would require planning permission?	The whole of the wider site was significantly outside of the SDB but in any case permitted development rights would allow for extensions.

Following discussion by the Committee:-

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

RESOLVED that the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022) be authorised to grant planning permission, subject to a financial contribution towards RAMS, the conditions as set out below, or as need to be varied (to account for any errors or legal issues et cetera) or otherwise added or removed as may be deemed necessary by the Assistant Director (Planning) (or otherwise delegated Officer after 26 October 2022).

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Plan submitted 17/06/2022

WHL-302 Rev A - Proposed block, elevations and floor plans – dated 06/2022

Construction Method Statement submitted 17/06/2022

Reason - For the avoidance of doubt and in the interests of proper planning.

3. Prior to the first occupation of the dwellinghouse, hereby approved, the existing agricultural building (subject of 22/00517/COUNOT) and shown as being demolished on drawing WHL-302 Rev A) on the site must be completely demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural building be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

4. Prior to and during construction, if any unexpected ground conditions are encountered during the following processes must be followed:
 - a. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
 - b. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
 - c. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

- d. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
- e. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
- f. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
- g. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
- h. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
- i. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
- j. A photographic record will be made of relevant observations.
- k. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
- l. A Verification Report will be produced for the work.

Reason - to protect the health of site workers and end users

5. The Construction Method Statement submitted 17/06/2022 shall be strictly adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

6. Prior to the commencement of any above ground works, details of the drainage works for wastewater and foul drainage must be submitted to and approved in writing by the Local Planning Authority. These works shall subsequently be carried out in accordance with the approved details.

Reason - To ensure satisfactory drainage/surface water disposal/sewerage disposal is provided.

7. Prior to the commencement of any above ground works, a full scheme of hard and soft landscaping works including a detailed plan, showing species to be used, planting positions, numbers of trees and shrubs and the sizes of the plants at time of planting and include wildlife friendly, native planting and locations for habitat boxes for roosting bats and nesting birds shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity, the quality of the development and the character of the area.

8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

9. Prior to first occupation of the dwelling hereby approved, the entirety of the hedgerow, fronting Harts Lane to the east of the approved access shall be removed. Thereafter, there shall be no obstruction to visibility east of the access, greater than 600mm above the adjoining road level, in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending across the frontage of the site.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

10. No gates be provided at the vehicular access with Harts Lane. The access shall remain open and free for use at all times.

Reason -To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

11. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the dwelling shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the dwelling.

Reason: In order to promote sustainable transport.

12. The Silver Birch Tree in the northeast corner of the site will be retained in situ.

Reason: In the interests of local amenity.

The meeting was declared closed at 9.08 pm

Chairman