



**MINUTES of
COUNCIL (EXTRAORDINARY)
7 DECEMBER 2016**

PRESENT

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale MBE, R P F Dewick, I E Dobson, M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, A K M St. Joseph, Mrs M E Thompson and Miss S White

788. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

789. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors R G Boyce MBE CC, Mrs P A Channer CC, M R Pearlman and D M Sismey.

790. DISCLOSURE OF INTERESTS

At this point the Chairman introduced the Council's Deputy Monitoring Officer, Ms Shirley Jarlett. Ms Jarlett reminded Members in relation to disclosable and other pecuniary interests, which included an interest that related to or was likely to affect a beneficial interest in any land in the authority's area it should either have been previously declared or declared at this point. If a Member had such an interest, Ms Jarlett advised that they could not take part in the meeting and should withdraw from the chamber.

The following declarations of interest were made in relation to Agenda Item 4 - OUT/MAL/15/00419 Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge:

- Councillor Miss S White advised that she had previously declared a non-pecuniary interest in the Local Development Plan (LDP) due to her family having submitted land and provided detail as to why she felt she did not have an interest. She further advised that she did not know the applicants or owners.

- Councillor A S Fluker declared in the interest of openness and transparency he knew some of the objectors.
- Councillor B E Harker declared in the interest of openness and transparency that he knew most of the objectors.
- Councillor I E Dobson declared the same non-pecuniary interest as Councillor B E Harker.
- Councillor Mrs B D Harker declared the same non-pecuniary interest as Councillor B E Harker.
- Councillor Miss M R Lewis declared the same non-pecuniary interest as Councillor B E Harker.
- Councillor Miss A M Beale declared the same non-pecuniary interest as Councillor B E Harker.

791. FUL/MAL/15/00419 - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, GREAT TOTHAM / HEYBRIDGE

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

Application Number	OUT/MAL/15/00419
Location	Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham/Heybridge Essex
Proposal	<p>Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) (Outline) (ii) Residential Care (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) Strategic flood relief infrastructure, including the construction of retaining earthworks, connecting ditches, pipe work and syphons, water flow control measures, and outfall to the Chelmer and Blackwater river systems (Detailed element) (vi) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vii) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (viii) Construction of initial gas and electricity sub-stations (Detailed); and (ix) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (viii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).

Applicant	Countryside Properties & EC, MA & DC Watson & KL Watson-Knee
Agent	Mr Kevin Coleman - Phase 2 Planning & Development Ltd
Case Officer	Debi Sherman, TEL: 01621 875862
Parish	GREAT TOTHAM / HEYBRIDGE / LANGFORD
Reason for Referral to the Committee / Council	Environmental Impact Assessment Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Major Application

Members' attention was drawn to the Members' Update which outlined a number of suggested changes to the Heads of Terms. These changes were to avoid any unnecessary duplication with proposed conditions and also provided further clarification. In addition a number of minor amendments to conditions were also detailed.

When presenting the application the Senior Principal Planner – Major Applications (Strategic Sites) drew Members' attention to the table shown at paragraph 3.6.1, advising that the table did not show 22.3 hectares which related to the extent of the Flood Alleviation Scheme. During the presentation, further information was provided by the Local Development Plan (LDP) Project Officer and Environment Agency Officers. Members thanked Officers for their succinct presentation and report.

Councillor R P F Dewick declared in the interest of openness and transparency that in the past he had declared an interest in two small sites within the rural allocations. He explained that he had never taken any part in LDP discussions because of that, and felt it was not relevant in respect of this application. Should anything change he advised he would amend his declaration accordingly.

Following the Officers' presentation an objector, Mr David Sargood, on behalf of Heybridge Residents Association and the Applicant, Mr Lambert of Countryside Properties addressed the Committee.

Councillor Miss M R Lewis, a Ward Member, proposed that the Officers recommendation of approval be agreed.

Councillor B E Harker proposed an amendment to condition 6 adding in the words "the junction between Maypole and the relief road to be a roundabout". In response an Officer from Essex County Council Highways advised that a roundabout was not part of the proposal, Highway engineers had reviewed the proposal, including its safety and it was of the highest specification that could be achieved in highway terms and the best function for the use. In light of this information, Councillor Harker withdrew his earlier proposition.

Councillor Harker continued highlighting the further amendments he wished to make to the proposed heads of terms and conditions but these were not supported.

In response to one of Councillor Harker's amendments regarding C2 Use (Care facility), the Senior Principal Planner advised that the Strategic Phasing Plan required details of various elements of the scheme and that the most appropriate place to include requirement for C2 Use (Care facility) was within the Strategic Phasing Plan condition and the Officer put to Members that this be included as part of that condition.

Officers also provided Members with the following information in response to questions:

- the area allocated for the allotments would not alter.
- details of the proposed wildlife corridors would come forward as part of the ecology condition proposed.
- Affordable housing figures had been subject to rigorous and detailed financial viability. The minimum level agreed would be 15.5% for the first 450 dwellings to be followed by a full review mechanism with a view to achieving an uplift in affordable housing provision up to a maximum of 20% overall. There would be flexibility in the tenure mix but it was stressed that it was important to achieve an appropriate mix as well as an optimum quantum of affordable housing and this was therefore what was detailed in the proposed Heads of Terms.

Councillor A S Fluker raised concern regarding the proposed affordable housing figures. He proposed that the Heads of Terms relating to Affordable Housing be amended to read "...up to 30%". This proposal was duly seconded. In response, Officers provided the Council with detailed information as to how the figures of 15.5% and 20% had been arrived at and the impact a figure of a maximum 30% upper limit but could adversely affect the achievable minimum level of affordable housing as well as potentially affecting other financial contributions associated with the scheme. The Strategic Housing Manager assured Members that Officers would work hard to maximise affordable housing.

A debate ensued during which a number of comments and questions were raised. In response Officers provided Members with the following information:

- Indicative housing mix: Officers confirmed that the indicative mix did not meet the needs identified but that the residential element of the scheme was in outline and therefore the mix was not before Members for determination.
- Heads of Terms – The report / Members' Update detailed the proposed Heads of Terms and it was confirmed that no Section 106 agreement had been signed.
- The outlined de-maining process would commence once the Flood Alleviation Scheme (FAS) was in operation.
- Siltation would be dealt with as part of the Environment Agency's management and maintenance of the FAS. Officers from the Environment Agency provided Members with further information regarding siltation and how the proposed FAS would help balance flows. It was noted that the Environment Agency also had permissive powers to carry out maintenance.
- Flood Alleviation Scheme (FAS) – Members were advised that design proposals had been the subject of consideration of Reservoir Panel Engineers acting for both the applicants and the Council but prior to a finalised scheme further investigations were required which would in turn inform the finalised engineered design could be approved and implemented under the requirements of the Reservoir Act 1975.

At this point in the meeting Councillors Mrs B F Acevedo, R P F Dewick, M W Helm and Miss S White left the meeting, each giving their reason for doing so, and did not return.

During the further debate some Members made reference to the LDP and its importance for the District.

In accordance with Procedure Rule No. 13 (3) Councillor B S Beale requested a recorded vote and this was duly seconded.

The Council's Planning Solicitor provided further advice to Members including, the impact refusing this application would have to the Council's Five Year Housing Land Supply and adoption of the Local Plan. He reiterated that affordable housing figures had been reached after considerable negotiation, which was usual in his experience, and if the Council was mindful to increase the upper limit the developer may wish to lower the minimum limit. Members were also advised that the application did not include a roundabout and the Council could not redesign the application at this point in time.

Councillor Miss Lewis referred to a previous FAS proposal by the Environment Agency which had not come to fruition, the continued problem with traffic congestion in the area and how the proposed scheme would alleviate these. She asked Members to support the addition of C2 Use (Care Home) to be looked at as part of the Strategic Phasing Plan condition. Councillor Miss Lewis requested that it be put on record that during the meeting that reference to the rural allocations and the discounting of certain sites was not correct, nothing had been discounted, everything remained under consideration and the rural site allocations had not yet been determined. She asked Officers to contact those Members who had left the meeting to assure them that nothing had been discounted at this point in time. In conclusion, Councillor Miss Lewis made further mention of the Council's five year Housing Land Supply and current housing shortage and urged Members to support the application.

At this point, the Chairman clarified that he would put the Officers' recommendation and then Councillor Fluker's proposal if the first was agreed.

The Chairman then put the Officers' recommendation of approval, subject to a Section 106 Legal Agreement and the voting was as follows:

For the recommendation:

Councillors E L Bamford, B S Beale, H M Bass, M F L Durham, Mrs H E Elliott, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, A K M St. Joseph and Mrs M E Thompson.

Against the recommendation:

Councillors J P F Archer, Miss A M Beale and I E Dobson.

Abstention:

Councillors P G L Elliott and A S Fluker.

The recommendation was therefore approved.

The Chairman then referred to Councillor Fluker's proposition and Councillor Fluker clarified his proposition, that the Heads of Terms relating to Affordable Housing be amended to read "15.5% supported and full review mechanism up to 25%". This had been duly seconded.

The Chairman then put Councillor A S Fluker's proposition but upon a vote being taken this was not agreed.

RESOLVED that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the Infrastructure Delivery Plan, and are subject to final agreement within the Section 106 (S106) agreement):

Highways:

- Delivery of the North Heybridge Relief Road

Public Transport:

- Delivery of the Public Transport Improvements

Travel Plan:

- Travel Plan monitoring fee£3,000 p.a. from first occupation until one year after final occupation
- North Heybridge Relief Road£11,122,000

Education:

- 56 place EY&C facility (within Primary School)£921,862
- 56 place EY&C facility stand alone (Commercial)Land provided
- Primary school (210 places)£3,017,004
- Secondary school Plume Lower School£948,406
- Secondary school Plume Upper School£3,133,865

Youth and Children's Facilities:

- Delivery of Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge to the value of£560,625
- Delivery of NEAPS and LEAPS to the value of£119,232

Health:

- Medical facilities to serve North Heybridge£340,200 plus
Land to be reserved for development of a 1,000 sqm health facility

Green infrastructure:

- Delivery of Allotments to serve North Heybridge to the value of£49,560

- Delivery of Sports pitches and pavilion to the value of£1,266,000
- Open space to be provided in accordance with phasing plan
- Management of all green and blue infrastructure by management company

Affordable Housing:

- 15.5% supported and full review mechanism up to 20%

Other:

- Details of the management of Heybridge Wood
- Provision of lock gates at Beeleigh Weir

AND subject to the following conditions:

OUTLINED AND DETAILED:

Strategic Phasing Plan

1. Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which with the triggers in the S106 accompanying this application for the provision of infrastructure and which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
 - a) The strategic flood alleviation scheme
 - b) The Relief Road with associated junctions at Langford, Maypole Road and Broad Street Green Road
 - c) The electricity sub-station and gas governor
 - d) Major distributor roads/routes within the site as identified on drawing number 'Design Parameter Plan – Access and Movement', including vehicular access to the local centre, education facilities, and sports playing fields;
 - e) All residential development;
 - f) The Local Centre;
 - g) Education facilities;
 - h) Formal recreation area for playing fields and sports playing pitches;
 - i) The area for allotments;
 - j) The green infrastructure, landscaping, informal open space and open space areas.
 - k) Footpath and cycleway provision / crossings both on and off-site;
 - l) Strategic foul and surface water features, including SuDS;
 - m) Structural landscaping/planting provisions;
 - n) Environmental mitigation measures;
 - o) The acoustic barrier south of the Relief Road

- p) Residential Care (C2 use)

The development shall be implemented in accordance with the approved Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

Construction Environmental Management Plan

2. No development within any phase (as defined on the Strategic Phasing Plan to be approved pursuant to Condition 1) shall commence until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Indicative site wide construction and phasing programme.
 - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, storage areas / compounds, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
 - c) Construction hours and delivery times for construction purposes.
 - d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
 - e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
 - f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
 - g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.
 - h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
 - i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing within that phase of the development and shall remain

in force for the duration of the construction period of that phase of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

DETAILED:

3. The development of the strategic flood alleviation scheme, relief road and sub-stations as specified in the approved plans listed in Condition 4 shall be begun before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be carried out in complete accordance with the following approved drawings:

CPMALDON.1/01J (Relief Road Overview)

CPMALDON.1/02G (Langford Road Roundabout)

CPMALDON.1/03F (Staggered Priority Junction Arrangement)

CPMALDON.1/04E (Central Priority Junction and Broad Street Green Rd Roundabout)

CPMALDON.1/05D (Langford Road Rd/bt Northern Arm and Vertical Profile

CPMALDON.108C (Relief Road Long Section – Langford Road end)

MBSK150720-1 (Maldon Road Centreline and Visibility)

44006-C-003C (Typical spillway Detail)

44006-C-004B (Proposed Blackwater Outfall)

44006-C-005E (Typical Indicative Sections Through Watercourse and Bunds)

44006-C-008D (Flood Alleviation Scheme Cross Sections)

44006-C-009B (Flood Alleviation Scheme)

44006-P-137 (Flood Alleviation Long Section 1 of 3)

44006-P-138 (Flood Alleviation Long Section 2 of 3)

44006-P-139 (Flood Alleviation Long Section 3 of 3)

44006-P-307D (Surface Water Outfall)

44006-C-13 (Bund Levels)

44006-C-010A - Substation Location Plan

TC-STD-G-PRI gas governor

TC-STD-SS-01 brick built electricity substation

Highways

5. Prior to the occupation of the 100th dwelling the Relief Road shall be fully implemented and opened to the public from Langford Road to Maypole Road in accordance with the approved plans.
6. Prior to the occupation of the 350th dwelling the Relief Road shall be fully implemented and opened to the public between Langford Road and Broad Street Green Road including all associated access, junctions and crossing points in accordance with the approved plans.
7. Prior to the completion of the Relief Road details shall be submitted to and approved in writing by the Local Planning Authority for (a) a scheme of

monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road together with (b) details of a scheme to provide priority for buses along Maypole Road south of the Relief Road, to be delivered within the highway boundary.

- 8 The agreed monitoring scheme pursuant to Condition 7 shall commence within 6 months of the Relief Road being completed and open to the public. The monitoring data shall be submitted to the Local Planning Authority in consultation with Essex County Council as Highway Authority within 3 months of the completion of the monitoring period.
- 9 The Local Planning Authority in consultation with Essex County Council as Highway Authority shall, following consideration of the monitoring data provided pursuant to Condition 8, advise the developer in writing before the occupation of the 500th residential occupation whether the scheme approved pursuant to Condition 7 being implemented, then no more than 600 residential units shall be occupied until the scheme approved pursuant to Condition 8 has been implemented in full.

Flood Alleviation Scheme

- 10 No development shall commence until a fully detailed design of the Strategic Flood Alleviation Scheme has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved scheme and in accordance with the agreed phasing set out in Condition 1 of this planning permission. The Strategic Flood Alleviation Scheme shall subsequently be retained and maintained in accordance with the approved details thereafter.
- 11 No development shall commence until details for the proposed telemetry infrastructure for the future remote monitoring of catchment rainfall and of water levels in the washlands and bypassing channel of the Strategic Flood Alleviation Scheme have been submitted to and approved in writing by the local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved details shall subsequently be retained and maintained in accordance with the approved details thereafter.
- 12 No development shall commence until a plan for the future maintenance and aftercare of the watercourse that links the outfall from the westernmost washland to the scheme outfall to the River Blackwater has been submitted to and approved in writing by the local Planning Authority in conjunction with the Environment Agency. The development shall be implemented in full accordance with the approved plan and shall subsequently be retained and maintained in accordance with the approved details thereafter.

OUTLINE

Time Limits

- 13 Details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development (other than preliminary ground works, or any works connected to the construction of the utility infrastructure, flood alleviation or highway works specified in the approved plans listed at Condition 4 within any part of the application site shall commence until approval of the details of the reserved matters for that part of the application site have been

approved in writing by the Local Planning Authority. The development shall be carried out as approved.

- 14 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 15 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
- 16 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

In accordance with the plans

- 17 The development hereby approved shall be carried out in accordance with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to condition 18 of this planning permission:¹
- 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev L)
 - 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev M)
 - 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev L)
 - 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev L)
 - 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev M)

Design Codes

- 18 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles of the approved North Heybridge Garden Suburb Strategic Masterplan Framework.

Highway conditions

Public Transport Service Provision

- 19 Prior to the first occupation of the development details of the phased provision of a new passenger transport service linking the proposed development to the town centre through the extension of the existing bus network and the provision of new routes, including the location of any new bus stops within the application site, shall be submitted to and approved by the Local Planning Authority.

The new passenger transport service arrangements shall be implemented in accordance with the phasing arrangements as approved in writing by the Local Planning Authority and shall remain as operational services unless otherwise agreed in writing by the Local Planning Authority.

Public Transport Infrastructure

- 20 Prior to the completion of any internal road identified in the details to be submitted pursuant to Condition 19 as including the provision of a bus stop the bus stop infrastructure shall be implemented in accordance with the layout details as approved through the reserved matters. The provision of the bus stop infrastructure within the application site shall include but is not limited to the following:

¹ Amendment agreed by the Council on 16 February 2017

- High quality bus stop facilities to include raised height kerbs and shelters;
- Real time passenger information signs;
- Bus routes to have a minimum carriageway width of 6.75 metres.

The bus stop locations shall be clearly shown on site during construction of the internal roads to ensure visibility for prospective purchasers.

Footpath and Cycle Routes

- 21 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PRM-03 Rev M 'Design Parameter Plan – Access and Movement.

The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

Residential Travel Plan

- 22 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.

Travel Packs and Tickets

- 23 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.

Location of Affordable Housing

- 24 Any reserved matters application for residential development shall be accompanied by a layout plan showing the distribution of market and affordable dwellings, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.

Local Centre

- 25 Prior to or concurrently with the submission of any application for reserved matters approval for the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', the distribution and size of all units for use within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Local Centre shall be completed in accordance with the approved size, mix and distribution.
- 26 The hours of use for any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as

amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', shall take place between:

Monday to Saturday07:00 to 23:00 hours
Sundays and Bank Holidays.....10:00 to 17:00 hours

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 27 Deliveries to and collections from any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured orange on drawing number 323 Rev C 'Design Parameter Plan - Land Use', shall take place between:

Monday to Saturday07:30 to 19:00 hours
Sundays and Bank Holidays.....None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 28 No development of the commercial units within the Local Centre shall commence until details of the means of commercial refuse/recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority for any units falling within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use'. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the commercial units within the Local Centre and retained for such purposes at all times thereafter.
- 29 No development of a commercial unit within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property.

Only the details as agreed shall be installed and shall be maintained for the duration of its usage thereafter.

- 30 There shall be no amplified sound used within any units falling within Classes A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', unless any variation of condition is agreed in writing by the Local Planning Authority.

Green Infrastructure Management and Maintenance

- 31 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:

- a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity
- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of all youth and teen facilities, and playspace equipment associated with the Local Equipped Areas of Play (LEAP), the Neighbourhood Equipped Area of Play (NEAP) and any other area of play, and for the pavilion, and for the sports playing pitches and surrounding field areas;
- d) details of who will be responsible for the management and maintenance of Heybridge Wood
- e) details of who will be responsible for the management and maintenance of allotments.

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

Landscaping and Trees

- 32 Within any reserved matters application pursuant to this approval landscaping details required by Condition 13 shall include a detailed landscape scheme with designs and specifications for the associated reserved matters site, which shall substantially accord with the details stated within the submitted Design Strategy for the North Heybridge Relief Road. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the approved Design Codes for the North Heybridge Garden Suburb. The landscape designs and specifications for that reserved matters site shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.

- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate.
- f) Full details of any proposed alterations to existing watercourses / drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the reserved matters site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- h) Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the reserved matters site.
- i) Full details, including cross-sections, of all bridges and culverts.
- j) Utility routes, type and specification.
- k) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns / brackets.
- l) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- m) Details of all hard surfacing materials (size, type and colour)

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved Strategic Phasing Plan and the landscape designs and specifications approved pursuant to this condition unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

33 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence within any reserved matters area until information relating to that reserved matters area has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree / hedgerow survey detailing works required;
- Trees / hedgerow to be retained / removed;
- Tree retention protection plan;
- Tree constraints plan;

- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces);
- Trees offsite.

No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees within that reserved matters area shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 34 Any trees or plants provided as part of any landscaping scheme for a reserved matters site which, within a period of five years of the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.
- 35 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development of the reserved matters site shall be carried out in accordance with the approved details.
- 36 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens unless otherwise approved as part of the reserved matters approvals.

Sports Playing Pitch Provision

- 37 Prior to or concurrently with the submission of the first reserved matters application for a site in Phase Four (as identified on the indicative Strategic Phasing Plans included at Appendix 4.4 of the submitted Environmental Statement) details of the design and layout of the playing fields, the pavilion building, playspace provision and equipment, the means of access and car parking areas(s) shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented in accordance with the Strategic Phasing Plan.

- 38 No development of playing field provision shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the Strategic Phasing Plan. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

- 39 The playing field(s) and pitch(es) shall be constructed and laid out in accordance with the details as approved through Condition 37 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the Strategic Phasing Plan.
- 40 Prior to the occupation of the sports playing pitches, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The community use agreement shall be implemented as approved.

Youth and Children's Play Facilities

- 41 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:
- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
 - b) The size, type, location and provision of access to all youth facilities and play provision, including the Youth and Teen Shelters, a skateboard park, Local Equipped Areas of Play (LEAP), the Neighbourhood Equipped Area of Play (NEAP) and any other area of play.
 - c) A proposed phasing programme for the delivery of youth facilities and play provision
 - d) No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance with the Strategic Phasing Plan and retained as such thereafter. The management and

maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 31.

Allotments

- 42 No development shall commence on Phase 4 as identified on the indicative Strategic Phasing Plans included at Appendix 4.4 of the submitted Environmental Statement until an Allotments Plan has been submitted to the Local Planning Authority. The Plan shall include the following details:
- a) A plan of the allotments allowing for each plot to accommodate a shed no more than 10 cubic metres.
 - b) Access and parking arrangements to allow easy and safe access to the allotments. This should include vehicular access and a turning area, access for those with disabilities and cycle parking within the site, and associated parking within the adjacent residential area;
 - c) Boundary treatment, including security arrangements for the allotments;
 - d) Location of communal areas;
 - e) Access to water supply.

No development works for creating the allotments apart from enabling works agreed in writing by the Local Planning Authority shall commence until such time as the Allotments Plan has been approved in writing by the Local Planning Authority. The provision of allotments shall be carried out in accordance with the approved details and implemented in accordance with the Strategic Phasing Plan as required by Condition 1.

Materials

- 43 Prior to the commencement of any built development within any reserved matters application area, written details or samples of all materials to be used in the construction of the external surfaces of the development within that reserved matters area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

Levels

- 44 Any reserved matters application(s) pursuant to this approval shall include full details of the existing and proposed levels, including finished floor levels of any building. The approved development shall be constructed in accordance with the approved levels details.

Flooding and Surface Water Management

- 45 No development within any phase of the development shall take place until a surface water drainage scheme for that phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of that part of the site, has been submitted to and approved in writing by the local planning authority. Where relevant, the submitted details shall include but not be limited to:
- Detailed drawings for the relief road drainage showing connections and outfalls
 - Allowances for urban creep and climate change

- Calculations showing allowable rates from each development parcel and showing how the rates will not exceed the 1 in 1 year rate overall
- An assessment of flows onto the development site during the 1 in 100 plus climate change event from upstream/the flood alleviation scheme
- Water quality treatment in line with best practice, not including current watercourses as part of the treatment process unless it can be demonstrated that existing ecology will not be affected
- Modelling to show system performance during design event with storage features cascaded

The approved scheme shall be implemented prior to occupation of that part of the development site to which the details relate.

- 46 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.
- 47 Pursuant to Condition 44 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Foul Drainage

- 48 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No built development shall commence within that reserved matters site until details of the foul water drainage for the reserved matters have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any built development within that reserved matters area.

Parking Requirements

- 49 Any reserved matters application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site. Prior to the occupation of any dwelling/building within that reserved matters site the parking areas relating to that dwelling/building shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 50 Any reserved matters application(s) shall be accompanied by details of facilities for the covered, secure parking of bicycles for use in connection with that reserved matters site and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for the site. Prior to the occupation of any dwelling/building within that reserved matters site the facilities for that dwelling/building shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose

Archaeology

- 51 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment has been undertaken by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work, which may include a phased programme of works to enable the phased implementation of the development. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 52 No development including any site clearance or groundworks of any kind shall take place within the site until there has been secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved scheme including the programme of archaeological work.

Ecology

- 53 Prior to or concurrently with the submission of the first of the reserved matters application(s) within any phase of the development, an Ecological Conservation Management Plan (ECMP) for that phase shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application. The Plan shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:
- a) Contractor responsibilities, procedures and requirements.
 - b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity.
 - c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.
 - d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site.
 - e) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by.
 - f) A programme for Monitoring to be carried out four times annually during the construction phase.
 - g) Confirmation of suitably qualified personnel responsible for overseeing implementation of the ECMP commitments, such as an Ecological Clerk of Works, including a specification of the role.

- h) A programme for long-term maintenance, management and monitoring responsibilities.

No development within any phase shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

- 54 Any reserved matters application(s) shall include an Ecological Conservation Management Plan Statement that demonstrates how the reserved matters site accords with the aims and objectives of the Ecological Conservation Management Plan for that phase. It shall detail which specific ecological measures are proposed within the reserved matters site and the timing for their delivery. No development shall commence within the reserved matters site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Noise

- 55 Prior to the occupation of the 750th dwelling, a noise validation survey shall be undertaken to verify the amenity noise levels to the rear of Poplar Grove and properties fronting onto Langford Road. The survey results shall be submitted in writing to the local planning authority. In the event that the result show noise levels exceed WHO 55bD the developer shall write to the owners of the properties to offer to construct a standard solid wooden boundary fence up to 1.8m high, and if requested to do so by the owners of the property, shall install the said fence(s) prior to the occupation of the 751st dwelling
- 56 No playing pitches shall be laid out within the site until a noise impact assessment for relating to the use of the said playing pitches detailing any future mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures as approved shall be implemented and retained as such thereafter.
- 57 Prior to the first residential occupation in any phase of the development, full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed acoustic barrier to the south of the Relief Road to be provided in conjunction with that phase of the development, as determined by the Strategic Phasing Plan. The approved acoustic barrier shall be implemented in accordance with the details set out in the Strategic Phasing Plan.

Contamination

- 58 No development shall commence (except works required to facilitate further investigation and remediation) within the areas identified at risk of potential land contamination until a Phase 2 intrusive investigation and report into potential land contamination has been carried out as identified in the Phase 1 contaminated land study Desk Study & Preliminary Geotechnical Assessment, Project No 44006, by Richard Jackson Ltd. The investigation shall inform an updated conceptual model that identifies whether remediation measures are required. If required, the report shall also include a remediation strategy. The Phase 2 report and remediation strategy shall be submitted to the local planning authority and implemented in accordance with the approved details prior to any other development in the areas identified.

- 59 The Local Planning Authority shall be notified in writing at least seven days
prior to any removal, encapsulation or other remediation of any contaminants.
- 60 The Local Planning Authority shall be notified in writing of validation that:
- a) all contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
 - b) all imported material is suitable for its intended use.
 - c) all agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified
 - d) The development shall only commence(except works required to facilitate further investigation and remediation which may be undertaken in advance) once this validation report has been approved by the Local Planning Authority.

Lighting

- 61 Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), details of lighting shall include details of a lighting strategy for the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.
- 62 There shall be no floodlighting installed within the sports playing pitches or within the sports pitches at the primary school unless otherwise agreed in writing by the Local Planning Authority.

Renewable energy

- 63 Any reserved matters application shall be accompanied by a renewable energy statement which demonstrates that the reserved matters site's total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the reserved matters site's development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme for the reserved matters site. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

Refuse and Recycling

- 64 Any reserved matters application shall be accompanied by details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities. These facilities shall be substantially in accordance with the approved Design Codes and shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided for

the dwelling / building to which they relate prior to the occupation of that dwelling/building.

Broadband

- 65 No construction of residential buildings shall commence until a strategy to facilitate superfast broadband for future occupants of the residential buildings has been submitted to and approved in writing by the Local Planning Authority.

The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

There being no further items of business the Chairman closed the meeting at 9.52 pm

P G L ELLIOTT
CHAIRMAN

(a)
(b)