



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
19 SEPTEMBER 2019**

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**PRESENT**

|               |   |
|---------------|---|
| Chairman      | Councillor R G Boyce MBE  |
| Vice-Chairman | Councillor Mrs P A Channer, CC  |
| Councillors   | E L Bamford, M G Bassenger, Miss A M Beale,<br>Mrs J L Fleming, A S Fluker, B E Harker, M S Heard,<br>M W Helm, K W Jarvis, J V Keyes, C Mayes, C P Morley,<br>C Morris, S P Nunn, N G F Shaughnessy, R H Siddall,<br>W Stamp, C Swain, Mrs M E Thompson and Miss S White |

**404. CHAIRMAN'S NOTICES**

The Chairman referred to the notices printed on the agenda.

**405. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors V J Bell, M F L Durham CC, M R Edwards, K M H Lagan and Mrs J C Stilts.

**406. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 4 July 2019 be approved and confirmed.

**407. DISCLOSURE OF INTEREST**

The following non-pecuniary interests were declared in respect of Agenda Item 5 – OUT/MAL/19/00741 – Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge Essex:

- Councillor Mrs P A Channer as an Essex County Councillor and she advised that Essex County Council had been consulted on various matters relating to this planning application and she highlighted some of these.
- Councillor C Morris as a Heybridge Parish Councillor.
- Councillor J V Keyes as a Great Totham Parish Councillor and Ward Member.
- Councillor R H Siddall as a Ward Member for Great Totham.

At this point in the meeting the Chairman introduced Mr Lee Sencier from Essex County Council.

**408. OUT/MAL/19/00741 - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, GREAT TOTHAM / HEYBRIDGE, ESSEX**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>OUT/MAL/19/00741</b>  |
| <b>Location</b>                                       | Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex   |
| <b>Proposal</b>                                       | Part outline/part detailed (hybrid) application for mixed use development including:<br>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)<br>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)<br>(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)<br>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)<br>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)<br>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);<br>(vii) Construction of initial gas and electricity sub-stations (Detailed); and<br>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). |
| <b>Applicant</b>                                      | Countryside Properties & EC, MA & DC Watson & KL Watson-Knee   |
| <b>Agent</b>  | Mr Kevin Coleman - Phase 2 Planning & Development Ltd  |
| <b>Target Decision Date</b>                           | 26 September 2019  |
| <b>Case Officer</b>                                   | Matt Leigh   |
| <b>Parish</b>   | Great Totham, Heybridge, Langford and Ulting   |
| <b>Reason for Referral to the Committee / Council</b> | Environmental Impact Assessment<br>Strategic site within the strategic submitted Local Development Plan<br>Major Application   |

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested that all votes in relation to this application be recorded. This was duly seconded.

It was noted from the Members' Update that further consultation responses and letters of representation had been received. In response to the consultation response from the Essex County Council Sustainable Drainage Systems Team proposed conditions 10 and 11 had been updated.

During her presentation of the report, the Principle Planning Officer referred to the recent decision by the Council no to defend the reason for refusal relating to a previous

planning application on this site and drew Members' attention to the additional information submitted as part of this scheme.

At this point the Chairman moved the Officers' recommendation as set out in the report with amended conditions as set out in the Members' Update. This was duly seconded.

The Chairman reminded Members that this was a hybrid scheme and drew their attention to page 17 of the report which highlighted the development proposal and the eight parts relating to it.

Following the Officers' presentation an objector, Mr Salmon, Councillor S Burwood on behalf of Heybridge Parish Council and the Agent, Mr K Coleman addressed the Committee.

Prior to debate by Members, the Chairman referred to page 27 of the report and in particular the changes this application proposed in comparison to the previously refused application.

A lengthy debate ensued during which a number of Members commented on the application and raising a number of questions. During the debate Members were reminded that they had to determine the application before them and not any additional matters. In response to questions raised, the following information was provided by Officers:

- The Members' Update detailed the consultation response from the NHS. It was confirmed that the proposed development would include land for a medical facility and a financial medical contribution (as set out in the draft Section 106 terms). In addition there was a condition proposed which sought agreement of a phasing plan.
- In response to a question regarding proposed condition 10, Members were advised that the Local Planning Authority was the decision maker and the Council would be ultra vires to defer decisions relating to such matters to other parties. However, in order to make an informed and reasonable judgement the Council would consult with and take into account any material considerations received.
- Maintenance would be covered by condition 11 and agreed as part of the maintenance plan to be submitted at the Reserved Matters stage.
- The Lead Specialist Place provided detailed information regarding the previous consideration of applications on this site.
- In response to comment regarding the Council's Masterplans being endorsed rather than adopted, it was clarified that at that time the Council's Local Development Plan had not been adopted and therefore the Masterplans could not be adopted. The endorsement meant that they could still be used as material consideration for the decision-making process.
- Average density related to the aspects where there was residential dwelling and did not take into account the school area, roads etc.
- Dwellings per hectare related to the 1,138 proposed dwellings across the whole development.

- Phasing was part of any large-scale application. The need for infrastructure, financial contributions etc. were aimed to mitigate any harm created by the development and phasing was often based around ensuring that an area was compressed and used before there was any demonstrable harm.
- The Sustainable Drainage Systems submitted as part of this scheme met requirements, however it was noted that the proposed conditions required additional information which would be reviewed by the Lead Local Flood Authority at that time. Should any concern be raised additional information would be sought at this time.
- All proposed housing would meet the minimum standards required in accordance with the Council's policies.
- The Essex County Council Officer clarified that the flow of water from the site was from North to South. The County Council at this development stage would review Sustainable Drainage Systems (within the site boundary) and the implications of the new development on the local flood risk as produced by the development itself and not necessarily the existing flood risk.

Members were reminded that this was an outline application and any information not relevant for determination of this application would be brought forward as part of the reserved matters application, when submitted.

The Leader of the Council summed up the application reminding Members that this was a Local Development Plan allocated site and as such its sustainability had been agreed. He then proposed that question be put.

The Chairman put the proposal to approve the application as per the Officers' recommendations set out in the report and on the Members' Update. In accordance with the earlier proposal there was a recorded vote as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, K W Jarvis, J V Keyes, C Mayes, C P Morley, N G F Shaughnessy, R H Siddall, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, C Morris and W Stamp.

Abstention:

Councillor S P Nunn.

The motion was thereby agreed.

**RESOLVED** that the 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 planning obligations and subject to the conditions as detailed below:

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

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):

**Public Transport:**

- Contribution to Public Transport Improvements.

**Travel Plan:**

- Travel Plan monitoring fee.

**Education:**

- 56 place Early Years and Childcare (EY&C) facility (within Primary School).
- 56 place EY&C facility standalone (Commercial).
- Primary school.
- Secondary school Plume Lower School contribution.
- Secondary school Plume Upper School contribution.

**Youth and Children's Facilities:**

- Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge.
- Neighbourhood Equipped Areas for Play (NEAPS) and Local Equipped Areas for Play (LEAPS).

**Health:**

- Healthcare facility and contribution to medical facilities to serve North Heybridge.

**Green and Blue infrastructure:**

- Allotments to serve North Heybridge.
- Sports pitches and associated facilities.
- Open space to be provided in accordance with phasing plan.
- Sustainable Drainage System (SuDS).
- Management of all green and blue infrastructure by management company.

**Affordable Housing:**

- 30% scheme wide.

**Biodiversity and Ecology**

- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution
- Details of the management of Heybridge Wood.

**CONDITIONS:**

**Section A – Time Limits, Approved Plans and Implementation**

1. The elements of the development for which full planning permission is hereby granted (the relief road and utility infrastructure) shall begin no later than three years from the date of this decision.
2. The elements of the development for which full planning permission is hereby granted (the relief road and the substations) 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/ Northern Arm and Vertical Profile)
  - CPMALDON.108C (Relief Road Long Section – Langford Road end)
  - MBSK150720-1 (Maldon Road Centreline and Visibility)
  - 44006-C-A010B - Substation Location Plan
  - TC-STD-G-PRI gas governor
  - TC-STD-SS-01 brick built electricity substation
3. For all elements of the development other than those for which full planning permission have been granted (the relief road and the utility infrastructure) 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 within any part of the application site (other than preliminary ground works, or any works connected to the construction of the utility infrastructure or highway works specified in the approved plans listed at Condition 2) 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.
  4. 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.
  5. 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.
  6. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved.
  7. The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and shall be in accordance with the following approved Drawings:
    - 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev R)
    - 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev Q)
    - 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev Q)
    - 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev W)
    - 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev P)

**Section B – Pre-Commencement Conditions:**

8. No development within any part of the site or phase of development (as defined on the Strategic Phasing Plan to be approved pursuant to Condition 7) shall commence until a Construction Environmental Management Plan (CEMP) for that part of the site or phase of the development has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall include the following aspects of construction:

- a) Indicative construction and phasing programme for that phase / part of the development.
- 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 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) Procedures for dealing with any unexpected contamination that may be encountered during the construction process.
- g) Construction Ecological Management Plan, including details for mitigating the effects of construction on habitats and protected species in line with the assessment set out in the Environmental Statement.
- h) Measures for protecting trees and hedgerows during construction.
- i) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- j) Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding.
- k) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highways, 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.

The details of the CEMP as agreed shall be implemented prior to any development commencing within the relevant phase of the development/part of the site to which it relates and shall remain in force for the duration of the construction period of that phase/part of the development. All construction infrastructure shall be removed from the site within three months of completion of the corresponding phase/part of the development.

9. No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment (prepared by an accredited archaeological consultant) to establish the archaeological significance of the site has been submitted to the Local Planning Authority and approved in writing. 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 the approved programme of archaeological work.

10. No development within any part of the site or on any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 12) shall take place until a surface water drainage scheme for that part of the site/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:

- Limiting discharge rates to 1 in 1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Required allowance of urban creep should be included in storage calculations.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

11. The management and maintenance of watercourses within the site and the sustainable urban drainage network to be provided shall be in accordance with the general provisions of the SuDS Maintenance Proposals dated June 2019 submitted with the planning application. Prior to commencement of development within any part of the site or on any Phase of the development a Management and Maintenance Plan containing further specific details identifying who is responsible for the management and maintenance of all aspects of the proposed SuDS network within that part of the site / phase of

development shall be submitted to and approved in writing by the Local Planning Authority. The details of the Management and Maintenance Plan shall be implemented following first use / occupation of any property within that phase of the development / part of the site and shall be maintained in accordance with the approved details thereafter.

**Section C – Details Required Prior to (or Concurrently with) the first Reserved Matters Application.**

- 12 Prior to or concurrent with the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords 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 Relief Road with associated junctions at Langford Road, Maypole Road and Broad Street Green Road;
  - b) The utility infrastructure hereby approved.
  - c) The principal phases of both residential and non-residential development (including the Local Centre and education facilities) and the means by which vehicular access to each phase will be achieved;
  - d) The green infrastructure, including the sequencing of play space, playing pitch, youth facilities and allotment provision;
  - e) Strategic footpath and cycleway provision/crossings (both on and off-site) in accordance with the Access and Movement Parameter Plan.
  - f) The phasing of strategic foul and surface water features, including Sustainable Drainage System (SUDs);
  - g) Structural landscaping/planting provisions;
  - h) Environmental mitigation measures;
  - i) The acoustic barrier south of the Relief Road

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.

- 13 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Strategic Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
- a) details of who will be responsible for the management and maintenance of the entire Green Infrastructure and Blue infrastructure as defined by the Green and Blue Infrastructure Parameter Plan including broad long-term design objectives:
  - b) 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

following the submission of revised details pursuant to this condition, and shall remain in place in perpetuity.

- 14 Prior to or concurrently with the submission of the first of the reserved matters application(s) within any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 12), 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, 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 relating to that phase 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.

#### **Section D – Other Commencement / Occupation Related Requirements**

- 15 No development shall commence (except works required to facilitate further investigation and remediation) within the areas identified at risk of potential land contamination as identified in the Phase 1 contaminated land study Desk Study & Preliminary Geotechnical Assessment, Project No 44006 at Appendix A Figure 3, by Richard Jackson Ltd until a Phase 2 intrusive investigation and report into potential land contamination has been carried out. 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.

- 16 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.

- 17 No building intended for use for purposes falling within Use Classes A1, A2, A3, A4, A5, C2, C3, D1 or D2 as defined by the Town and Country (Use Classes) Order 1987 shall be erected above foundation level until details of the foul water drainage for that building 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 or first use of the built development to which it relates.

- 18 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.

19. 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, other than those trees listed in Table 5 at Appendix 6 of the Arboricultural Impact Assessment dated 23/04/15 (Ref DFC 1247) and which fall within the area for the construction of the Relief Road as hatched red in the tree protection plans at Appendix 5 of that document. 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/hedgerows within that reserved matters area have been erected in accordance with the details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

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

- 20 Prior to first residential occupation in any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to Condition 12) 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 relating to that Phase of the development, and which shall be provided prior to the occupation of any dwelling within the relevant Phase. The approved acoustic barrier shall be implemented in accordance with the approved details and retained in perpetuity.
- 21 Prior to the occupation of the 100th dwelling hereby approved the Relief Road shall be fully implemented and opened to the public from Langford Road to Maypole Road in accordance with the approved plans.
- 22 Prior to the occupation of the 350th dwelling hereby approved 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.
- 23 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; and
  - (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
- 24 The monitoring scheme agreed pursuant to Condition 23 shall not commence prior to the Relief Road being completed and open to the public. The monitoring data shall be submitted to the Local Planning Authority and Essex County Council in its capacity as Highway Authority within 3 months of the completion of the monitoring period.

No more than 500 of the dwellings hereby approved shall be occupied until the Local Planning Authority have confirmed in writing as to whether the scheme approved pursuant to Condition 23 is required to be implemented. If that notice requires implementation then no more than 600 residential units shall be occupied until the scheme approved pursuant to Condition 23 has been implemented in full.

- 25 Prior to first occupation of any dwelling within the proposed development, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented for a period

- commencing from the first occupation of any dwelling at the application site and ending 1 year after the occupation of the 1,100th dwelling at the application site or some other time period as may be agreed in writing by the Local Planning Authority in connection with any details submitted pursuant to this condition.
- 26 Upon the first occupation of each dwelling, a Residential Travel Information Pack (Pack) for sustainable transport shall be provided for that dwelling, such Pack shall include free travel vouchers for use with the relevant local public transport operator with the details of such Pack first having been submitted to and approved by the Local Planning Authority prior to the occupation of the first dwelling.
- 27 After the occupation of the 500th dwelling but 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 the gardens 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 results 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 within 28 days of being written to, shall install the said fence(s) prior to the occupation of the 751st dwelling.

#### **Section E – Matters to be included in Reserved Matters applications**

- 28 Any reserved matters applications submitted relating to access, where a highway within that phase is to include a bus stop (as specified within any Public Transport Strategy that is agreed pursuant to the Section 106 agreement that relates to the permission hereby granted), shall include full details of the bus stop that is to be provided and details of the timing of the provision of the bus stop. The provision of the bus stop infrastructure within the application site shall include but is not limited to the following:
- Details of raised height kerbs and shelters;
  - Real time passenger information signs;
  - Bus routes to have a minimum carriageway width of 6.75 metres.
- 29 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 P '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.
- 30 Any reserved matters application(s) relating to layout and/or access including residential or commercial buildings shall include details of all types of vehicle parking proposed including the number, location and design of any enclosed structures within 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.
- 31 Any reserved matters application(s) including residential or commercial buildings shall be accompanied by details of facilities for the covered, secure

parking of bicycles for use in connection with those buildings. Prior to the occupation of any dwelling/building 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.

- 32 Any reserved matters application made pursuant to this approval seeking the approval of landscaping details required by Condition 3 shall include a detailed landscape scheme with designs and specifications for the associated reserved matters site. Where relevant to that part of the site, this shall substantially accord with the details stated within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement). The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the Council's endorsed Strategic Design Code. The landscape designs and specifications for that reserved matters site shall include the following:

#### Soft Landscaping

- 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. Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.
- A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate.
- Full details of any proposed alterations to existing watercourses / drainage channels
- 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

- 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.
- Full details, including cross-sections, of all bridges and culverts.
- Utility routes, type and specification.

- The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns / brackets.
- 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- Details of all hard surfacing materials (size, type and colour)

The details submitted for both hard and soft landscaping shall include a schedule for the implementation of the proposed works along with a Management and Maintenance Plan which shall include the following information:

- 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);

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved landscape designs and specifications and the schedule for the implementation of the proposed works approved pursuant to this condition unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The agreed Management and Maintenance Plan shall also be implemented in accordance with the agreed schedule and shall remain in place in perpetuity.

- 33 Any reserved matters application shall be accompanied by details relating to the location, design, specification, management and maintenance of the recycling facilities. These details 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 approved recycling facilities shall be provided for the dwelling / building to which they relate prior to the occupation of that dwelling/building.

### **Section F – Compliance Conditions**

- 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 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.
- 36 Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), a lighting strategy for that phase of the development (as agreed pursuant to condition 12 of this permission),

including details of the location and type of fixtures and fittings, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented in accordance with the approved details and once implemented shall be retained in accordance with the approved scheme.

37 Pursuant to Condition 11 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.

38 The development shall be carried out in accordance with the housing mix as stated below:

| <b>Bedrooms</b> | <b>Percentage</b> |
|-----------------|-------------------|
| 1 or 2          | Minimum (min.) 50 |
| 3               | Minimum (min.) 30 |
| 4+              | No more than 20   |

39 Not less than 4% of the dwellings hereby approved shall be smaller dwellings (1 or 2 bedroom) that do not exceed single storey in height.

### **Section G – Conditions Specific to the Playing Fields**

40 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.
- (iii) a noise impact assessment relating to the use of the playing pitches detailing a scheme of future mitigation measures.

The approved schemes shall be carried out in full and in accordance with the Strategic Phasing Plan agreed pursuant to condition 12. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

41 Prior to the occupation of the sports playing pitches, a community use agreement 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 at all times.

42 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.

## Section H - Conditions Specific to the Local Centre

- 43 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', details of the distribution and size of all units within the Local Centre 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.
- 44 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 Saturday .....07:00 to 23:00 hours
- Sundays and Bank Holidays.....10:00 to 17:00 hours
- 45 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 red on the 'Design Parameter Plan - Land Use', shall take place between:
- Monday to Saturday .....07:30 to 19:00 hours
- Sundays and Bank Holidays.....None
- 46 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.
- 47 No installation of any extract ventilation system, compressors, generators, refrigeration equipment, or any other fixed plant shall be installed to any building within the Local Centre (as coloured red on the design parameter plans unless the details of such equipment have been submitted to and approved in writing by the Local Planning Authority prior to installation. 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.
- 48 The rating level resulting from any 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) shall not exceed the background noise level when measured in accordance with British Standard BS4182:2014, at a point one metre from the external façade of the nearest noise sensitive receptor.

The meeting closed at 8.27 pm.

R G BOYCE MBE  
CHAIRMAN