



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to  
**DISTRICT PLANNING COMMITTEE  
30 JULY 2025**

<b>Application Number</b>	<b>24/00911/VARM</b>
<b>Location</b>	Land at Broad Street Green Road and Langford Road Maypole Road Great Totham
<b>Proposal</b>	<p>Variation of condition 20 on planning permission 15/00419/OUT approved on appeal (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> <li>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</li> <li>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</li> <li>(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)</li> <li>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</li> <li>(v) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)</li> <li>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</li> <li>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</li> <li>(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).</li> </ul> <p>The proposed change to the condition would alter the trigger for the provision of that part of the Relief Road that lies between Langford Road and Maypole Road to be fully completed from 'prior to the occupation of the 100th dwelling' to 'prior to the 26 September 2025'.</p>
<b>Applicant</b>	Vistry Group
<b>Agent</b>	Kevin Coleman - Phase 2 Planning & Development Ltd
<b>Target Decision Date</b>	31.05.2025 (Time Extension agreed with applicant)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>GREAT TOTHAM, HEYBRIDGE, AND LANGFORD AND ULTING</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan Major Application

**1. PURPOSE OF UPDATE**

- 1.1 This application was originally considered at a meeting of the District Planning Committee on 22 May 2025 which resolved to approve the application subject to the

conditions and the Section 106 legal agreement from planning permission reference 15/00419/OUT (Minute No. 56 refers).

- 1.2 The purpose of this update is to enable the Committee to reconsider the application with the benefit of an Environmental Impact Assessment (EIA) Screening Direction in order to ensure the decision made complies with the relevant regulations.
- 1.3 Section 1.4 below hereby comprises the updated matters before the Committee for further consideration and to ensure compliance with the legislation and the Constitution, this report will be required to be reconsidered by the Committee.

#### **1.4 Environmental Impact Assessment**

- 1.4.1 Following the conclusion of the Committee meeting of 22 May 2025, in which the Committee voted to approve the application in accordance with officer's recommendation, it was brought to the attention of officers that a procedural error had occurred in their consideration and assessment of the planning application which had the implication of materially impacting on decision taken by Committee (subject to the completion of a Section 106 legal agreement).
- 1.4.2 This was immediately investigated, and it was found that the error was that the applicant had specifically submitted a written request for the District Council as Local Planning Authority (LPA) to undertake an EIA Screening of the S73 application as permitted by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Where the applicant chooses to make this request, it is for the LPA to adopt (or undertake) a Screening Opinion within 21 days of receipt of the request to determine whether the development requires an EIA (a full assessment of the Environmental Impacts of the Development on the local area). That Screening Opinion had not however, in error, been carried out and it was well beyond the 21-day timescale in which it could be done by the LPA. A possible consequence of this is that any decision issued without the Screening Opinion having been carried out would run the risk of Judicial Review with any such decision taken being quashable in the High Court. It should be noted that the Committee's resolution to accept the recommendation to approve planning permission is not the final granting of planning permission. Planning permission is only granted when the legal Decision Notice has been signed, dated and issued, together with any legal agreement, should one be attached. Given the circumstances and to safeguard the legal integrity and confidence in the recommendations and decisions of the District Council as the LPA, the Assistant Director – Planning and Implementation withheld the issuing of the decision until further review work was undertaken.
- 1.4.3 In circumstances where a LPA has not adopted a Screening Opinion within 21-days, a mechanism exists in which the applicant can themselves seek a Screening Direction, from the Secretary of State (SoS) directly. If the SoS concluded that the development was not EIA development (therefore no EIA of the development is required), the LPA could determine the application legally.
- 1.4.4 A Screening application was submitted to the SoS on 12 June 2025 and a decision was received on 21 July 2025 (**APPENDIX B**). The SoS wrote (in the covering letter to the report summarising the findings, attached at **APPENDIX A**):

*"The above development falls within the description of paragraph 10 (b) urban development projects, and 13 (b) any change to or extension of development, where that development is already authorised, executed or in the process of being executed, of Schedule 2 to the 2017 Regulations, Therefore, the Secretary of State*

*considers the proposal to be Schedule 2 development' within the meaning of the 2017 Regulations.*

*However, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations, the Secretary of State does not consider that the proposal is likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 5 (5) of the EIA Regulations.*

*Accordingly, in exercise of the powers conferred on her by regulation 7 (5) of the 2017 Regulations, the Secretary of State hereby directs that the proposed development described in your request and the documents submitted with it, '**is Not EIA development**' within the meaning of the 2017 Regulations."*

- 1.4.5 It is useful set out the Conclusion to the SoS report in reaching a determination on the Screening Request:

*"Conclusion – This application would not result in any changes to the consented development. Impacts of the development have already been assessed, and it has been designed with mitigation, through conditions and a section 106 legal agreement, to mitigate adverse impacts. Any change to the impacts, due to the imposition of the amended condition, will be limited. Overall, based on the available information, the Secretary of State has concluded that there are no other issues or factors in this case, in this specific location, that either in isolation or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required".*

- 1.4.6 It is stated therefore that due process has now been carried out and satisfactorily concluded.
- 1.4.7 Although this application was considered by Members previously, in light of the matters above, and that Members did not, in hindsight have all the relevant material considerations in front of them for consideration, due process had not been carried out. The decision to support officers' recommendation on 22 May 2025 is therefore null and void, and the application is required to be considered anew in light of the EIA Screening Direction.
- 1.4.8 Members are therefore requested to consider the above matter as part of and in context of the substantive report below and in accordance with officers' recommendation.

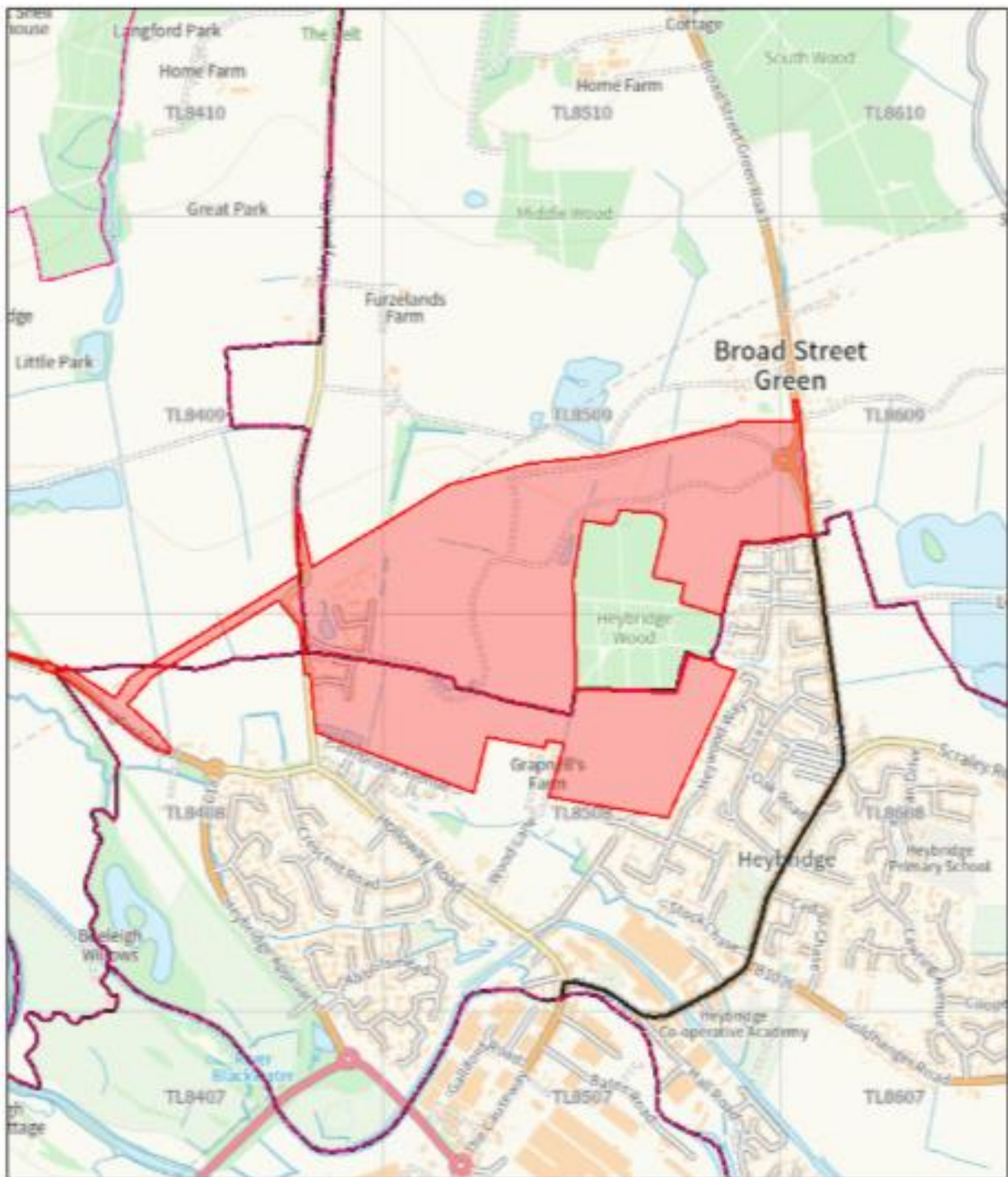
## **2. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 10 of this report) and subject to the Section 106 legal agreement from planning permission reference 15/00419/OUT.

## **3. SITE MAP**

Please see below.

24/00911/VARM



## 4. **SUMMARY**

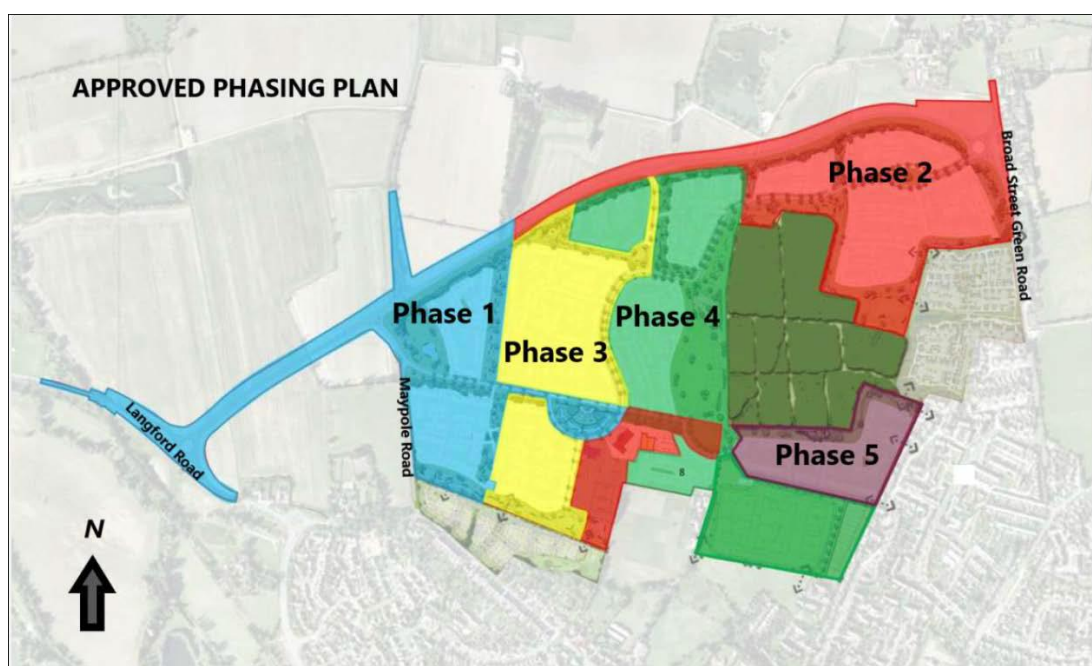
### 4.1 **Proposal / brief overview, including any relevant background information**

#### Background

4.1.1 The application site relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb (NHGS) referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid mixed-use development on appeal on 25 October 2019 under reference 15/00419/OUT. That permission allowed a part outline/part detailed (hybrid) application for mixed use development including the following:

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
- (ii) Residential Care for up to 120 beds (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)
- (iv) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
- (v) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
- (vi) Construction of initial gas and electricity sub-stations (Detailed); and
- (vii) 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).

4.1.2 Following the granting of planning permission, a strategic phasing plan was submitted to comply with condition 11 of planning permission. The map below shows how the site is evolving:



- 4.1.3 Relevant to this application is the full planning permission element of the permission which includes the Relief Road.
- 4.1.4 The construction of the Relief Road has already commenced and is substantially complete. When fully completed it would form the northern boundary of the North Heybridge Garden Suburb for planning permission reference 15/00419/OUT. The Relief Road will link Langford Road in the west with Broad Street Green Road in the east. The alignment of the Relief Road is in accordance with the North Heybridge Garden Suburb Strategic Masterplan Framework (SMF) which was approved by the Council as a material consideration for Development Management purposes in October 2014. The Relief Road is 7.3m wide and will be subject to a 50 mph speed limit. When completed it will terminate at a roundabout junction at its western end linking to the existing road network (Langford Road), close to the existing roundabout junction with Heybridge Approach. There is also a roundabout junction at the eastern end of the Relief Road where it meets Broad Street Green Road. The Relief Road is intersected by Maypole Road, which has become a staggered junction off the Relief Road (offset by 90m) with right hand turning lanes and slipways to ease access on to and off the Relief Road. The Relief Road would include the four principle points of access into the residential development area that forms the North Heybridge Garden Suburb.
- 4.1.5 The drainage ditches which run north to south and down the site will be held in culverts under the road. The Relief Road will have a landscaped and acoustic bund on its southern edge to mitigate noise impact on the Garden Village site. These acoustic bunds were required by condition 19 planning permission reference 15/00419/OUT and have already been approved through application references 22/05109/DET and 21/00961/RES.
- 4.1.6 Since planning permission reference 15/00419/OUT was allowed on appeal detailed permission for 902 homes has been consented through a series of reserved matters applications. In total 10 of the 12 land parcels have been subject to the commencement of development with land parcels 8 and 9 still yet to be developed but are subject to either live applications or future applications expected. Construction of the development began in March 2022.
- 4.1.7 The agent's documentation confirmed that as of 17 October 2024, 88 properties were occupied.

#### Site Description

- 4.1.8 The site is located to the north of the village of Heybridge. The application site extends to 76.4 hectares and is irregularly shaped extending to Broad Street Green Road in the east and Lanford Road to the west. The site surrounds Heybridge Wood. The site was previously mainly agricultural land prior to its allocation through the Local Development Plan (LDP). The site is now known as 'Westcombe Park'.
- 4.1.9 The site includes occupied dwellings from some of the phases of development, dwellings under construction and the remaining parcels of land that have not yet been subject to development.
- 4.1.10 The Relief Road, which is the main subject of this application, runs along the northern side of the North Heybridge Garden Suburb as explained above.

### Description of the Proposal

- 4.1.11 This application seeks a variation of condition 20 of planning permission reference 15/00419/OUT approved on appeal in 2019. The description of that development is detailed at paragraph 4.1.1 above.
- 4.1.12 The variation of condition 20 would alter the trigger for the provision of part of the Relief Road, which is the section of road that lies between Langford Road and Maypole Road at the western end of the road. It is this section of the relief road that is due to be opened first for vehicular traffic.
- 4.1.13 The current wording of the condition states:
- 20) *Prior to the occupation of the 100th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 4.1.14 The proposed variation to the wording of the condition under this application would be as follows:
- 20) *Prior to 26 September 2025, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 4.1.15 Whilst not subject to any proposed changes, but to be aware for completeness, condition 21 of the substantive application 15/00419/OUT, requires the entirety of the Relief Road to be open for use by the 350<sup>th</sup> occupation, which involves the eastern section of the Relief Road.
- 4.1.16 The applicant has explained that the Relief Road was substantially completed by mid-2024 but the works into Langford Road and the existing bridge has proved to be technically complex and requires the temporary road closure of sections of Langford Road in order to undertake the works. The applicant has sought Essex County Council (ECC) Highways agreement for the temporary closure of Langford Road which would have originally been in the later part of 2024, however, this was not possible and therefore the applicant has been working the ECC Highways to identify the best time to undertake these works. In working with ECC Highways it has been agreed that the best time for programming the works would be in the summer 2025 school holidays when traffic levels are lower and this would reduce disruption.
- 4.1.17 The applicant has shared a press release and a copy of the letters issued to residents of Langford Road explaining the timetable for the works in three phases, with the first phase between 30 June to 22 July and the third phase between 1 September and 19 September, which would both involve temporary traffic signals whilst Lanford Road and Maldon Road remains open to traffic. The second, and middle phase, would result in a full road closure period between 23 July 2025 to 31 August 2025 with diversions in place over the school summer holidays.
- 4.1.18 The application includes the following documentation in support of the proposed variation:
- Covering letter
  - Planning Statement
  - Technical Note
  - Works Programme
  - Location Plan



- A series of photographs to show the works so far to the Relief Road's construction.

## **4.2 Conclusion**

- 4.2.1 The proposed variation of condition 20 to alter the full delivery of the Relief Road from a housing occupation trigger at the occupation of the 100th dwelling, to a date based delivery by 26 September 2025 represents a relatively short extension of the actual delivery of full opening given that the 100th occupation has already been reached as the applicant has confirmed that the site was at 150th occupation of dwellings as of 16 April 2025.. The date of 25 September has been agreed with the Highway Authority for the necessary approvals to be in place for the commencement of the works in the summer of 2025 and subsequent full delivery of the Relief Road. The delay in the opening of the relief road raises no substantive consequential impacts in both Planning and Highway terms and the proposed amendment is therefore acceptable having regard to local and national planning policies. It is equally important to note that while a technical breach of condition has occurred by the failure to meet the requirements of condition 20, the breach is not fatal to the planning permission or the 'raison d'être' for the full relief road opening.
- 4.2.2 In practical terms, an approval under Section 73 of the Town and Country Planning Act (T&CPA) 1990 (as amended) would result in a new planning permission, and an updated list of planning conditions are set out in full in section 10 of this report. The existing s106 legal agreement from the site's planning permission reference 15/00419/OUT includes a relevant clause to ensure this permission links with that s106 legal agreement for the delivery of the mitigation identified in that s106 legal agreement.

## **5. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **5.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment



**5.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist Needs'
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

**5.3 Langford and Ulting Neighbourhood Plan (2022) – no relevant policies applicable to this application.**

**5.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (PPG)
- Maldon District Design Guide (MDDG) (2017) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014) (SMF)
- North Heybridge Garden Suburb Strategic Design Code (endorsed by Maldon District Council as a material consideration for Development Management purposes in March 2017)
- Approved Access and Movement Parameter plan and Approved Land Use Parameter Plan

## **5.5 Necessary Associated Infrastructure Improvements Required**

*(This is to address any deficiencies in the area to make the development acceptable and deliverable through Section 106 agreements and, if appropriate planning conditions e.g. Grampian conditions. This is to include an overview of the phasing of the development, where relevant.)*

- 5.5.1 As identified in section 2 of this report this application shall be linked to the Section 106 legal agreement from planning permission reference 15/00419/OUT, which includes within clause 15 of that legal agreement the ability to link applications subject to a variation of condition such as this, also known as section 73 applications (section 73 of the Town and Country Planning Act 1990).

## **6. MAIN CONSIDERATIONS**

- 6.1 The main considerations for this application are as follows:

- The Principle of Development and Highway Considerations
- Whether there have been any other material changes
- Whether there have been any other changes to conditions or the planning obligations
- Other Matters

### **6.2 Principle of Development and Highway Considerations**

- 6.2.1 The site is allocated as a Strategic Site in the Council's Approved Maldon District LDP. The Approved Maldon LDP plans for a minimum of 4,650 dwellings within the District between 2014 and 2029 and it allocates 1,383 of these dwellings at the North Heybridge Garden Suburb (NHGS). This comprises three sites: S2d North of Heybridge (1,138 dwellings), S2e and S2f. Since the adoption of the LDP planning permission has been granted on appeal for the development of site S2(d) through planning permission reference 15/00419/OUT. This permission approved the Relief Road.

- 6.2.2 There are a number of relevant LDP policies for this application as explained below:

- 6.2.2.1 Policy S1 (Sustainable Development) reflects the presumption in favour of sustainable development contained within the NPPF with some of the key principles within the policy of promoting planned growth at the Garden Suburb locations.

- 6.2.2.2 Policy S2 (Strategic Growth) identifies the strategic growth for the District with the main locations of growth including North Heybridge as one of the two Garden Suburb urban extensions in the Maldon District. The policy identifies the need for infrastructure and the Relief Road is a key piece of infrastructure in this location.

- 6.2.2.3 Policy S3 (Place Shaping) sets out the key development principles new development in the Garden Suburbs and strategic allocations should follow.

- 6.2.2.4 Policy S4 (Maldon and Heybridge Strategic Growth) sets out the requirements for the North Heybridge Garden Suburb with the fifth bullet point from the policy identifying that the relief road is a key infrastructure element of this allocation.

- 6.2.3 The NHGS Strategic Masterplan Framework (SMF) was endorsed by the Council in October 2014. It has not been adopted, but remains a material consideration to this planning application, although its weight is adjusted accordingly. The SMF provides

guidance on a strategic framework for the development of the wider NHGS. Throughout the SMF there are details about the need for the Relief Road and how this could be developed, and that information was in the preparation of the planning application for this site. Specifically, section 5.3 identifies the requirements for the Relief Road, or link road as it is referred to in the SMF. The criteria identifies the requirements of the road and junction requirements with the existing road network and new junctions providing vehicle access into the NHGS site.

- 6.2.4 In addition to the SMF, the adopted Design Code document provides codes that are applicable to development within the NHGS site. However, there are no specific codes for the Relief Road. The only code that is relevant is the Green Edge code GE01 which is for the section of the Relief Road between the Maypole Road junction and where the Relief Road adjoins Broad Street Green. This code is to ensure a landscaped buffer is created and integrated with the noise mitigation along the edge of the Relief Road adjacent to residential development to the south. Condition 19 of the planning permission reference 15/00419/OUT required the submission of acoustic mitigation, which has since been approved through a discharge of condition process. This approved a landscaped bund topped by an acoustic fence and provides acoustic mitigation from traffic noise from the Relief Road to future residents of the NHGS. The landscaping will help to visually improve its appearance as the landscaping develops over time.
- 6.2.5 Policy T1 (Sustainable Transport) seeks to create additional sustainable transport opportunities the delivery of sustainable transport infrastructure set out in other Policies in this plan, including Policies S3, S4, and I1. Policy T2 (Accessibility) aims to create and maintain an accessible environment where the impact of development can be suitably mitigated.
- 6.2.6 Policy I1 (Infrastructure and Services) sets out the Council's approach to securing infrastructure and services to meet the needs of new development.
- 6.2.7 The main consideration with this application is proposed revised wording of the condition from the current wording, which states:
- 20) Prior to the occupation of the 100th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 6.2.8 To the proposed variation to the wording which would be as follows:
- 20) Prior to 26 September 2025, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 6.2.9 In planning terms there are no objections to the revised wording of the condition which would allow the developer a bit more time to fully implement the Relief Road section between Langford Road and Maypole Road and then allow the road to be open to the public by 26 September 2025 which is only a number of months away.
- 6.2.10 The applicant's supporting information has explained the reason for the delay which is also reliant upon securing a Temporary Traffic Regulation Order (TTRO) by the Highway Authority (Essex County Council (ECC) Highways) to temporarily close the road to undertake the works that allows the road to connect to the existing public highway.

- 6.2.11 The applicant's documentation also explains that the rationale for the original imposition of the trigger within condition 20 was primarily to ensure progress on the delivery of the Relief Road and not based on a specific assessment of the impact of more than 100 residential occupants or any issue of highway safety at that point. The information explains that the proposed variation would not result in any material impacts to the highway network or safety. It is also suggested that the works in the summer is likely to be beneficial in terms of reducing the impact of the works on residents and businesses alike.
- 6.2.12 ECC Highways has explained that from a highway and transportation perspective the proposal is not contrary to the Highway Authority's Development Management Policies, the adopted as County Council Supplementary Guidance, nor Policies T1 and T2 of the LDP nor the NPPF 2024. The consultation response also identifies that ECC Highways is working with the developer to facilitate the implementation of the Relief Road and the proposed change to this condition is fully supported, as it is necessary to fit into the proposed programme of works for safe and efficient delivery. The Relief Road still has the overall condition of being fully open to the public prior to the occupation of the 350th dwelling, and this will not impact the delivery of that.
- 6.2.13 Further information has been provided regarding the proposed roadworks and the timetable for these works. The applicant has provided a press release and a Langford Road residents letter that has been circulated to the community as set out below:

*Temporary Closure of Langford Road Announced as Final Phase of Heybridge Northern Relief Road Begins*

*Residents, businesses and road users are being advised of planned upcoming major highway works in Heybridge, Essex, as part of the final construction phase of the Heybridge Northern Relief Road, ahead of its opening later this year.*

- *Phase one: Temporary traffic lights from 30 June 2025 to 22 July 2025 - Temporary traffic signals will be operational along a section of Langford Road, Heybridge (red area on Map 1 overleaf). During this period Langford Road and Maldon Road will remain open to all traffic, although delays can be expected.*
- *Phase two: Full Road closure from 23 July 2025 to 31st August 2025 - A section of Langford Road (from 95 metres north-west of its junction with Langford Roundabout for approximately 435 metres in a north westerly direction) will be temporarily closed.*
- *Phase three: Temporary traffic lights: 1st to 19th September 2025 - Temporary traffic signals will be in operation along a section of Langford Road, Heybridge (red area on Map 1 overleaf). During this period Langford Road and Maldon Road will remain open to all traffic, although delays can be expected.*

*The closure will take place approximately 400 metres south of the Hatfield Road/Langford Road junction, extending to the Langford Road arm of the roundabout with Heybridge Approach. The closure is necessary to complete the final segment of the Heybridge Northern Relief Road ahead of its scheduled opening later this year.*

*Appropriate diversions will be in place via: Maldon Road, Hatfield Road, The Street, London Road, A12, Maldon Road, Main Road, Chelmsford Road, Oak Corner, Maldon Road, Wycke Hill, Limebrook Roundabout, Spital Road, Maldon Bypass, Pond Roundabout, Heybridge Approach, Langford Road Roundabout and vice versa. This will affect the wider route between Hatfield Peverel, Heybridge and Maldon, so*

drivers are advised to plan journeys and allow additional travelling time. During the closure of Langford Road, arrangements for bus services will be outlined and advertised separately.

While Maldon Road and Hatfield Road will be closed to through traffic, local access will be maintained for residents and businesses from the north via the diverted route.

We encourage residents and commuters to stay informed by using the Essex Highways website, where there is an interactive “Future and current roadworks map”, available at: <https://www.essexhighways.org/interactive-maps-and-live-travel-information>

6.2.14 The diversion route is shown below:

**MAP 1 (Right)** - This plan illustrates the extent of the road closure detailed as a solid red line.

**MAP 2 (below)** - This plan illustrates;

**PURPLE** - the formal diversion for all vehicles during the road closure.

**YELLOW** - The ‘access only’ route (no through traffic to Heybridge),

**RED** - section of Langford Road to be fully closed in Red.



6.2.15 In addition to the press release the applicant has provided rebuttal comments to the Langford and Ulting Parish Council objection and these points are summarised below:

- The trigger point for the condition was to do with showing sufficient progress on the implementation of the relief road rather than addressing a specific highways impact arising on occupation of the 100<sup>th</sup> dwelling.
- The Highway Authority support this application so there are no objections from a highways point of view.
- The timescale for the temporary road closure was driven by the Highway Authority as they did not want the roads closed outside of the summer of 2025 in order to reduce impacts on residents and businesses in Maldon.

6.2.16 Overall, ECC Highways raise no objection and the proposed change to the wording of the condition to allow for a slightly longer time period to complete the works and open the section of road to the public between Langford Road and Maypole Road is considered acceptable with regard to local and national planning policies.

### **6.3 Whether there have been any other material changes**

6.3.1 There has been no change to the local planning policy position since the planning permission was issued. At a national level there have been numerous updates to the NPPF and PPGs but any changes in national policy and guidance would not result in any conflicts for this application. Therefore, there are no objections with regard to any national policy and guidance changes to this application.

### **6.4 Whether there have been any other changes to conditions or planning obligations**

6.4.1 If approved this section 73 planning application would constitute a new standalone planning permission and therefore a review of the conditions is necessary in light of the current position on site. The planning permission (reference 15/00419/OUT) is subject 47 planning conditions and a detailed s106 legal agreement.

6.4.2 The conditions to application 15/00419/OUT have been reviewed in detail with the applicant as a number of conditions have been discharged for the earlier phases and land parcels of the development, however, there are conditions that remain relevant to any future applications for reserved matters, most notably for land parcels 8 and 9. With regard to each of those, land parcel 8 would secure the local centre and associated uses including a residential care home, and land parcel 9 is subject to a current live reserved matters application for the last of the residential land parcels (ref 25/00023/RESM). The full list of conditions necessary for the application and based on the current planning position of the site and future development are detailed in section 10 of this report.

6.4.3 The s106 legal agreement to application 15/00419/OUT includes a section on further planning permissions to allow for applications like this which seeks a variation (change) to one of the planning conditions. Following liaison with Legal Services it has been confirmed that clause 15 of the s106 legal agreement contains the necessary wording to ensure all of the s106 legal agreement requirements for mitigation of the development are still applicable through the granting of planning permission for this variation of condition application.

## 6.5 Other Matters

- 6.5.1 Only one letter of objection has been received and a response to these points is provided in the table in section 9.4 of the report below.

## 7. CONCLUSION

- 7.1 The proposed variation of condition 20 to extend the time for the delivery of the Relief Road from occupation of the 100th dwelling to its delivery by 26 September 2025 represents a short extension of time and would coincide with the applicant's agreement with the Highway Authority for the commencement of the works in the summer of 2025 for the delivery of the Relief Road. This raises no objections in Planning and Highway terms and is therefore acceptable having regard to local and national planning policies. In addition, the application required an assessment of whether the proposed amendment would result in the development being EIA development under Schedule 2 of the 2017 EIA regulations. The application was found not to be EIA development by the SoS on 21 July 2025 as potential impacts from the development have been accounted for within the original approval.
- 7.2 The proposal would result in a new planning permission and an updated list of planning conditions are set out in full in section 10 of this report. The existing s106 legal agreement from the site's planning permission reference 15/00419/OUT includes a relevant clause to ensure this permission links with that s106 legal agreement for the delivery of the mitigation identified in that s106 legal agreement.

## 8. ANY RELEVANT SITE HISTORY

- 8.1 The site has a very detailed and extensive planning history. The relevant planning applications are listed below including the outline permission and subsequent reserved matters, relevant full planning applications and relevant discharge of condition applications:
- **15/00419/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
    - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline);
    - (ii) Residential Care for up to 120 beds (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) A Relief Road between Broad Street Green Road and Langford Road (Detailed element);
    - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
    - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
- All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline). – Planning Permission Refused on 08.03.2019 but Allowed on Appeal on 25.10.2019



- **19/00741/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (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) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
  - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
  - (vii) Construction of initial gas and electricity sub-stations (Detailed); and

All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline) – Approved 14.10.2019

- **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan – Approved 11.05.2020
- **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Approved 15.05.2020
- **21/05187/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan (plan revised)– Approved 14.01.2022
- **22/5109/DET, 22/05110/DET 22/05067/DET and 24/05061/DET** – All these applications provide details of the acoustic barrier required through condition 19 of application 15/0419/OUT allowed on appeal APP/X1545/W/19/3230267, and all have all been approved.
- **22/00324/PROW** – Permanent diversion of PROW 19 Great Totham and Public Rights Of Way (PROW) 17 Heybridge – Confirmed 06.02.2024
- **23/00519/PROW** - Proposed stopping up of 299m of PROW 296\_30 (from Langford Road at position F on the enclosed plan to where it terminates/joins the road at position G on the enclosed plan). Proposed extension to PROW 249\_03 to connect to PROW 296\_13 (positions B to D on the enclosed Plan). – Confirmed 03.09.2024

## 8.2 Phase 1 – Parcels 1 and 2

- **21/00384/RES** – Reserved Matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising:
  - (a) landscaping for the approved Relief Road,
  - (b) phase 1 entrance green,
  - (c) phase 1 spine road,
  - (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)
  - (e) acoustic bund for phase 1

Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT – Approved 08.10.2021

- **21/00752/RES** - Reserved Matters application for Phase 1 the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT - Approved 12.04.2022
- **21/00788/FUL** - Formation of temporary access points for construction traffic from Maypole Road and Broad Street Green Road – Approved 08.12.2021

### 8.3 Phase 2 - Parcels 10, 11, and 12

- **21/00961/RES** - Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:
  - (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout;
  - (ii) The internal spine road, from Broad Street Green Road to the northeastern corner of Heybridge Wood (including bus stops);
  - (iii) The green corridors that surround Parcels 10, 11 and 12;
  - (iv) The second phase of the acoustic barrier;
  - (v) The play area (LEAP) that lies south of Parcel 12;
  - (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre;
  - (vii) The proposed pumping station;
  - (viii) Pedestrian and cycle links falling within this phase of the development.Approved 10.03.2022
- **22/00523/RESM** - Reserved Matters application for Phase 2 the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (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) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
  - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
  - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
  - (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).Approved 05.12.2022
- **23/01062/VARM** – Variation of condition 2 and condition 3 on planning application 22/00523/RESM (Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262

residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved application 15/00419/OUT – Approved 24.01.2024

#### 8.4 Phase 3 – Parcels 4 and 5

- **22/00289/RESM** – Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phases 3, 4 and 5 of the approved planning application (15/00419/OUT) comprising:
  - (i) The green corridors, open space, and attenuation features within Phases 3, 4 and 5 including those surrounding Parcels 3, 4, 5, 6, 7 and 9;
  - (ii) Formal play areas, including Local Equipped Areas of Play to the north of Parcel 4 and to the east of Parcel 8 and a Neighbourhood Equipped Area of Play to the east of Parcel 7;
  - (iii) The section of the internal spine road which connects to both the spine road previously approved under the Reserved Matters applications of Phase 1 and 2 and to the approved Relief Road, including details of bus stops;
  - (iv) The internal road to serve Parcel 9, allotments and playing field;
  - (v) Pedestrian and cycle links falling within these phases of the development including Public Rights of Way;
  - (vi) The location and layout of the playing fields south of Parcel 9;
  - (vii) The location and layout of the allotments together with the associated parking, means of access and enclosure;
  - (viii) Proposed pumping station south of parcel 9. Together with details pursuant to Condition 18 (tree protection), Condition 27 (bus stops), Condition 28 (footpaths and cycle routes), Condition 29 (Vehicular Parking) and Condition 31 (Landscaping) of the approved planning application 15/00419/OUT.

Approved 17.02.2023

- **23/00226/RESM** - Reserved matters application for Phase 3 (Parcel 4) the approval of access, appearance, landscaping, layout and scale for Phase 3a for the construction of 234 residential units of planning permission 15/00419/OUT – Approved 28.07.2023
- **24/00587/RESM** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale for parcel 5 for creation of 104 no. one, two, three and four bedroom houses, bungalows and apartments plus associated roads, parking and landscaping, relating to planning application 15/00419/OUT – Approved 02.12.2024

#### 8.5 Phase 4 – Parcels 3, 6, 7 and 8 (Care Home and Supported Living)

- **23/00408/RESM** – Reserved matters application for the approval of access, appearance, landscaping, layout and scale for the construction of 246 residential units with associated access, parking, servicing and landscaping (Parcels 3, 6 and 7 only) of outline application 15/00419/OUT - Approved 28.07.2023
- **24/00569/FUL** – Erection of 3 storey, 66 bed care home with associated landscaping, car parking and access – Refused 12.12.2024
- **25/00173/FUL** – Erection of 3 storey, 66 bed care home with associated landscaping, car parking and access. - Pending Consideration

- **25/00234/RES** – Reserved matters application for the approval of access relating to planning application 15/00419/OUT - Access stub from main spine road to serve eastern part of Parcel 8 - Pending Consideration

#### 8.6 Phase 5 – Parcel 9

- **25/00023/RESM** – Reserved matters application the approval of access, appearance, landscaping, layout and scale for Phase 5 (Parcel 9) for the construction of 110 residential units pursuant to outline planning permission 15/00419/OUT (Part outline/part details (hybrid) application for mixed use and associated development). – Pending Consideration.

### 9. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### 9.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No comments received	Noted
Heybridge Parish Council	No comments received	Noted
Langford and Ulting Parish Council	<p>Object to the proposed variation of Condition 20, which seeks to amend the trigger for the full completion and opening of the Relief Road between Langford Road and Maypole Road.</p> <p>It is noted that the developer previously advised that 103 dwellings would be occupied by 1st December 2024, thereby triggering the requirement under Condition 20. This deadline has not been met. The developer is now applying to vary this condition, seeking to defer completion of the Relief Road to a fixed date of 26th September 2025.</p> <p><b>Parish Council Concerns:</b></p> <p><u>1 - Breach of Planning Condition</u> The current condition was clearly breached as the 100th dwelling has been occupied without the Relief Road being completed.</p> <p>This constitutes a failure to comply with an enforceable planning requirement, and the Parish Council questions why Maldon District Council has not taken enforcement action to address this.</p>	<p>Officers are aware that occupations have progressed beyond 100 dwellings and therefore beyond the trigger point of the condition to require compliance with the condition.</p> <p>In response to point 1, this does mean that the development is in breach of condition 20 but approval of this application would address that breach and as explained in paragraph 4.1.17 of the report the works are timetabled to commence from 30 June and would be completed before the 26 September in accordance with the wording of the proposed varied planning condition.</p> <p>If the application were to be refused and the Council considered that formal enforcement action was necessary,</p>

Name of Parish / Town Council	Comment	Officer Response
	<p><u>2 - Importance of the Relief Road</u> The Relief Road was a key justification for permitting such a large development in this location. It was intended to alleviate pressure on local roads, particularly Langford Road and the surrounding network.</p> <p>Delaying its delivery undermines the original planning balance and raises serious concerns about increased traffic through Langford village and road safety implications.</p> <p><u>3 - Setting a Precedent</u> Granting this variation risks setting a dangerous precedent where developers may disregard agreed conditions with the expectation they will later be amended.</p> <p>This weakens public trust in the planning system and in the enforceability of obligations designed to protect local communities.</p> <p><u>4 - Lack of Justification</u> The application does not present compelling evidence or justification for the proposed change.</p> <p>No explanation is provided as to why the developer has failed to meet the previously agreed timetable or what efforts have been made to remedy the delay.</p> <p>In conclusion, Langford &amp; Ulting Parish Council strongly objects to the proposed variation and urges Maldon District Council to:</p> <ul style="list-style-type: none"> <li>• Refuse application 24/00911/VARM on the grounds that the condition has already been breached and the variation undermines the integrity of the original planning approval;</li> <li>• Initiate enforcement action to require the developer to comply with the original terms of Condition 20;</li> <li>• Reaffirm the importance of timely infrastructure delivery as an</li> </ul>	<p>enforcement action taken this would not result in the road works taking place any quicker, as the works and timetable have been agreed the Highway Authority based on minimising disruption to the highway network. The Highway Authority considered the proposed timetable for the works the least disruptive to other road users.</p> <p>In response to point 2, the importance of the Relief Road is recognised and as stated above is to be delivered in accordance with the proposed timetable.</p> <p>No response required to point 3 as that is the Parish Council's opinion.</p> <p>In response to point 4, paragraph 4.1.16 of the report explains the delay.</p>

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>integral part of sustainable development in the District.</p> <p>The Council believes the interests of the community, road safety, and planning integrity must be upheld</p>	

## 9.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways	<p>No objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance, Policies T1 &amp; T2 of the Adopted Local Development Plan and the NPPF 2024.</p> <p>The Highway Authority is working with the developer to facilitate the implementation of the North Heybridge Relief Road NHRR), and the change to this condition is fully supported, as it is necessary for it to fit into the proposed program of works for safe and efficient delivery. The NHRR still has the overall condition of being fully open to the public prior to the occupation of the 350th dwelling, and this will not impact the delivery of that.</p>	See section 6.2 of this report which has reviewed and considered these comments is assessing this application
National Highways	No objection	Noted

## 9.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Legal Services	It is confirmed that a s73 planning permission based on that planning reference is covered by the original agreement and that no further agreement is required	See paragraph 6.4.3

#### 9.4 Representations received from Interested Parties (*summarised*)

- 9.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Planning condition imposed by the Planning Inspectorate and should clearly not be relitigated at a more junior level in the planning hierarchy	The application has been assessed is reported to the District Council's Planning Committee for a decision
The developer has already been given ample time to conclude these works and did not begin the bypass works at the western end on a timely basis	The timing of the works is explained in paragraphs 6.2.9 to 6.2.16 and it is considered that the slight extension of time for delivery of the Relief Road is acceptable with regard to its consideration and impact upon the highway network
The developer claims that ECC has not given it access to Langford Road to tie in the bypass but were booked for summer 2024. The works could not take place last summer because of the developer's delays in having the works ready by that point because it had not started them early enough in the development	Please see comment above
No updated traffic management details have been submitted with the proposal. The developer is relying on data from the original application which took place several years ago and pre Covid. Traffic levels and peak times for flows have changed significantly since then. Wants the authority to maintain the Planning Inspectorate's NECESSARY condition and not impose further traffic misery on Maldon residents by permitting a further delay to this commitment.	ECC Highways have confirmed through paragraphs 6.2.9 to 6.2.16 that the proposed variation would not impact upon the highways network nor highway safety
If MDC approves this application no one in the district will ever be able to have confidence in any future infrastructure commitment made in respect of any development which will further weaken public support for any development.	The proposal has resulted in a slight delay to the original intention of the delivery of the Relief Road but this report is being considered in May 2025 with the works set to take during the school summer holidays between late July and August and be opened by the 26 September 2025

#### 10. **PROPOSED CONDITIONS INCLUDING HEADS OF TERMS FOR ANY SECTION 106 AGREEMENT**

As identified in section 2 of this report this application shall be linked to the Section 106 legal agreement from planning permission reference 15/00419/OUT, which includes within clause 15 of that legal agreement the ability to link applications subject to a variation of condition such as this, also known as Section 73 applications (Section 73 of the Town and Country Planning Act 1990).



**PROPOSED CONDITIONS:**

And the application shall be subject to the following conditions which reflected the most up to date position regarding the development of this site:

**Timeframe of three years for full permission elements – Relief Road and gas and electricity substations**

- 1 The elements of the development for which full permission is hereby granted (a Relief Road between Broad Street Green Road and Langford Road and the construction of initial gas and electricity sub-stations) shall be constructed in accordance with the details as approved.

**Details for Reserved Matters (RM) access, appearance, landscaping, layout, and scale**

- 2 For all elements of the development other than those for which full planning permission has been granted (a Relief Road between Broad Street Green Road and Langford Road and the construction of initial gas and electricity sub-stations) details of the access, appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development other than preliminary ground works, or any works connected to the construction of the Relief Road or the substations takes place, and the development shall be carried out as approved.

**First app. for RM within three years**

- 3 Condition deleted

**Applications for RM no later than 29 October 2029 (10 years from original consent)**

- 4 Application(s) for approval of reserved matters shall be made to the Local Planning Authority no later than the 29 October 2029.

**Approved RM to begin no later than 2 years from date of permission**

- 5 The element of the development for which outline permission is hereby granted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved.

**Approved Plans List**

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

PRM-01 Rev R – Design Parameter Plan – Land Use; PRM-04 Rev P – Design Parameter Plan – Building Heights; PRM-05 Rev Q – Design Parameter Plan – Residential Density; PRM-02 Rev W – Green and Blue Infrastructure; PRM-03 Rev P – Access and Movement; CPMALDON.1/01J – Relief Road Overview; CPMALDON.1/02G – Langford Road Roundabout; CPMALDON.1/03F – Staggered Priority Junction Arrangement; CPMALDON.2/04E – 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-010B – Substation Location Plan; TC-STD-G-PRI – Gas Governor; and TC-STD-SS-01 – Brick Built Electricity Substation.

## **Construction Environmental Management Plan (CEMP)**

- 7 With the exception of those parcels or phases to which a CEMP pursuant to condition 7 of planning permission 15/00419/OUT has been approved, no development within any part of the site or phase of development (as defined in the Strategic Phasing Plan to be approved pursuant to Condition 11) shall take place 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 consideration of the following aspects:
- (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, and temporary buildings/offices, storage areas/compounds, plant, equipment, external lighting arrangements, materials storage, screening, and hoardings;
  - (c) hours of construction and delivery times for construction purposes;
  - (d) a Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of waste re-use, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximised reuse of waste both 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) a 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 facilities;
  - (f) procedures for dealing with any unexpected contamination that may be encountered during the construction process;
  - (g) a 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 intended for retention, during the construction process;
  - (i) a Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibration from plant, construction equipment and vehicles;
  - (j) a Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding; and
  - (k) a 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 safeguarding of Public Rights of Way during construction.

The CEMP shall be implemented in the manner approved before any development commences in the relevant phase of development/part of the site to which it relates and shall be adhered to 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.

Where the CEMP has been discharged for earlier phases of development the development shall be implemented in accordance with the details as approved through application references 21/05134/DET, and 23/05036/DET, and specifically for paragraph (g) 21/05031/DET, 22/05005/DET and 22/05113/DET.

### **Archaeological Assessment and Implementation Programme**

- 8 The archaeological assessment (prepared by an accredited archaeological consultant) and the implementation of a programme of archaeological work for the site shall be carried out in as approved through application references 21/05054/DET and 21/05147/DET.

### **Surface Water Drainage Scheme**

- 9 With the exception of those parcels or phases to which a Surface Water Drainage Scheme pursuant to condition 9 of planning permission 15/00419/OUT has been approved, no development within any part of the site or on any Phase of the development (as defined by the Strategic Phasing Plan approved pursuant to condition 11) shall take place until a detailed 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 hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:
- (a) 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;
  - (b) the provision of 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;
  - (c) the required allowance for urban creep should be included in storage calculations;
  - (d) a demonstration 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;
  - (e) final modelling and calculations for all areas of the drainage system;
  - (f) the appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753;
  - (g) detailed engineering drawings of each component of the drainage scheme;
  - (h) a final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features; and
  - (i) a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be implemented in accordance with the details approved by this condition and that of condition 9 of planning

permission reference 15/00419/OUT (application references 23/05080/DET, 21/05125/DET and 22/05075/DET) before occupation.

**Surface Water Drainage Scheme – Maintenance and Management details**

- 10 The management and maintenance of watercourses within the site and the SuDS network to be provided shall be implemented in accordance with application reference 21/05121/DET.

**Strategic Phasing Plan**

- 11 The development hereby permitted shall be implemented in accordance with the site wide Strategic Phasing Plan as approved through application reference 21/05187/DET unless a revision to that plan is agreed in writing by the local planning authority pursuant to this condition.

**Strategic Management and Maintenance Plan for the entirety of the Strategic Green Infrastructure**

- 12 The development shall be implemented in accordance with the Strategic Management and Maintenance Plan for the entirety of the Strategic Green Infrastructure as approved through application reference 20/05035/DET unless a revision to the Strategic Management and Maintenance Plan is agreed in writing by the local planning authority pursuant to this condition.

**Ecological Conservation Management Plan (ECMP)**

- 13 The development shall be implemented in accordance with the Ecological Conservation Management Plan (ECMP) for the site as approved through application references 21/05031/DET, 21/05162/DET and 22/05081/DET. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved ECMP.

**Contamination and Remediation**

- 14 The development shall be implemented in accordance with the Phase 2 intrusive investigation and report as approved through application reference 21/05107/DET.

**Superfast Broadband Strategy**

- 15 The development shall be implemented in accordance with the strategy to facilitate superfast broadband for future occupiers as approved through application references 21/05135/DET.

**Foul Drainage**

- 16 With the exception of those parcels or phases to which a Foul Drainage has been approved pursuant to condition 16 of planning permission 15/00419/OUT, no other 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 (as amended) shall be erected above foundation level until details of the foul water drainage for that building have been submitted to and approved in writing by the Local Planning Authority.

The drainage works as approved pursuant to this condition and condition 16 of planning permission 15/00419/OUT (application references 22/05076/DET and 23/05124/DET) shall be completed in accordance with the approved details before first occupation of the building to which it relates.

### **Details of depth of excavation trenches for all services**

- 17 With the exception of those parcels or phases to which a scheme has been approved pursuant to condition 17 of planning permission 15/00419/OUT, no development within a site for which reserved matters approval is sought shall take 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 where they pass under 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. Development shall be carried out in accordance with the approved details. For 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 where they pass under the canopy of any retained tree within, adjacent to, or which overhangs, the development area that have already been approved the development shall be implemented in accordance with the approved application references 22/05014/DET and 22/05110/DET.

### **Tree and Hedgerow Protection**

- 18 The development shall be implemented in accordance with the tree retention and protection measures as approved through application references 21/05129/DET, 21/000961/RESM and 22/00289/RESM. No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees/hedgerows in that reserved matters area have been erected in accordance with the details 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 seriously damaged or defective, a replacement tree shall be planted within the site of such size and species and at such a time as specified by the Local Planning Authority.

### **Details of acoustic barrier to the south of the Relief Road**

- 19 The proposed acoustic barrier to the south of the Relief Road shall be implemented in accordance with the details as approved through application references 22/05109/DET and 21/00961/RES. The acoustic barrier shall be completed in accordance with the approved details before first occupation of any dwelling in that particular phase and retained in perpetuity thereafter.

### **Relief Road section between Langford Road and Maypole Road completion by 26 September 2025**

- 20 Prior to 26 September 2025 the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.

### **Relief Road section between Langford Road and Broad Street Green Road completion before occupation of 350th dwelling**

- 21 Prior to the occupation of the 350th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and including all associated accesses, junctions and crossing points, and open to the public between Langford Road and Broad Street Green Road.

### **Traffic monitoring and Priority for Buses along Maypole Road south of the Relief Road**

- 22 (a) Monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road shall be

undertaken in accordance with the details agreed pursuant to condition 22 of planning permission 15/00419/OUT, under Discharge of Condition reference 23/05117/DET.

- (b) The monitoring scheme shall not commence before the Relief Road is completed and open to the public.
- (c) The monitoring data shall be submitted to the local planning authority and the highway authority within three months of the completion of the monitoring period.
- (d) No more than 500 of the dwellings hereby approved shall be occupied until the local planning authority has confirmed in writing as to whether the scheme to provide priority for buses along Maypole Road south of the Relief Road approved pursuant to condition 22 of planning permission 15/00419/OUT (under Discharge of Condition reference 23/05117/DET) is required to be implemented
- (e) If implementation is required, then no more than 600 dwellings shall be occupied until the scheme is completed.

**Monitoring data to be submitted to understand whether scheme in condition 20 is required**

23 Condition deleted as merged with Condition 22

**Residential Travel Plan**

24 The development shall be implemented in accordance with the Residential Travel Plan as approved application reference 23/05018/DET. The approved Travel Plan shall be implemented for a period commencing from the first occupation of any dwelling on the site, and end 1 year after the occupation of the 1,100th dwelling, or some other time period as may be agreed by the Local Planning Authority through this condition.

**Residential Travel Information Pack**

25 Upon the first occupation of any dwelling, a Residential Travel Information Pack (The Pack), as approved through application reference 23/05018/DET, setting out available sustainable transport choices, shall be provided with that dwelling. The Pack shall include free travel vouchers for use with the relevant local public transport operator.

**Noise Validation Survey**

26 After the occupation of the 500th dwelling but before the occupation of the 750th, a Noise Validation Survey shall be undertaken to verify the noise levels in the rear of the gardens of properties on Poplar Grove and properties fronting Langford Road. The survey results shall be submitted to the Local Planning Authority. In the event that the survey shows noise levels exceeding WHO 55bD in these areas, the developer shall write to the owners of the affected properties to offer the construction of a solid wooden boundary fence up to 1.8m in height, and if requested to do so by the owners of the property within 28 days of the offer, shall complete the installation of the fence before occupation of the 751st dwelling on the development site.

**Bus Stop details for RM**

27 The development shall be implemented in accordance with the details of the bus stop to be provided, including the timing of its provision as approved through application references 21/00961/RES and 22/00289/RES.

**Network of pedestrian and cycle routes for RM**

28 Any reserved matters application(s) relating to layout 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 PRM-03 Rev P – Design Parameter Plan – Access and Movement, and a programme for their implementation. The cycle routes shall be appropriately hard-surfaced and, where provided as a dedicated off-carriageway route, shall have a minimum width of 3m (or 3.5m if shared with pedestrians). The pedestrian and cycle routes shall be implemented in accordance with the approved details.

Where the provision of a network of pedestrian and cycle routes linking all areas within that part of the development have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure - 21/00384/RES, 21/00961/RES and 22/00289/RES

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

### **Vehicle Parking for RM**

- 29 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 parcel, the parking areas relating to that dwelling/building shall be completed in accordance with the approved details and retained for their intended purpose thereafter.

Where details of all types of vehicle parking proposed, including the number, location, and design of any enclosed structures within the site have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 21/00384/RES, RES/MAL/21/00961 and 22/00289/RES

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

### **Cycle Parking for RM**

- 30 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 cycle parking facilities for that



dwelling/building shall have been provided in accordance with the approved details and they shall be retained thereafter for their intended purpose.

Where details of all types of vehicle parking proposed, including the number, location, and design of any enclosed structures within the site have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

### **Landscaping requirements**

#### **31 Part 1**

Any reserved matters application made pursuant to this approval that seeks the approval of landscaping details shall include a detailed landscaping 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 set out 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 is broadly in accordance with the Council's endorsed Strategic Design Code.

Where details of landscaping details have been discharged for Part 1 the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 21/00384/RES, RES/MAL/21/00961 and 22/00289/RES

For the Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

#### **Part 2**

Prior to commencement of development within any Reserved Matters site, full details of the hard and soft landscaping proposals, which shall be in accordance with the Reserved Matters design approved under Part 1 of this condition, shall be submitted for the written approval of the Council. Unless such details have already been approved as part of the relevant Reserved Matters design, the detailed landscape designs and specifications for any reserved matters site shall include:

- (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 timing of that planting. The planting plan shall include a full schedule of plants and use botanic names;

- (b) scaled cross-sections of mounding, ponds, ditches, and swales and proposed treatments of the edges and perimeters of the site;
- (c) the landscape treatment of all roads through the reserved matters site;
- (d) a specification for the establishment of trees within hard landscaped areas including details of space standards 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 and/or 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 the timing of works;
- (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 scale plans (or at a scale otherwise agreed) including cross sections, of roads paths and cycleways; and
- (m) 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:

- (i) planting, grass cutting, weeding and pruning schedules;
- (ii) inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture, and litter picking);
- (iii) a programme of management activities and monitoring and operational restrictions; and
- (iv) 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 details and programme unless an alternative programme is agreed in writing by the Local Planning Authority through this condition. The approved Management and Maintenance Plan shall be implemented in accordance with the approved details and continued thereafter in perpetuity.

Where details of landscaping details have been discharged for Part 2 the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 22/05137/DET, 22/05054/DET and 23/5029/DET

For the Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

### **Recycling and Waste details for RM**

- 32 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 specify the specific positions 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.

### **Any Planting that fails replaced within 5 years**

- 33 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.

### **Remove of PD rights for hard surfacing of front gardens**

- 34 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 beyond that permitted as part of the approval of reserved matters.

### **Lighting Strategy**

- 35 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 through Condition 11), 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 external lighting shall be implemented in accordance with the approved details and retained as such thereafter.

### **Yearly logs of Maintenance of Surface Water Drainage Scheme**

- 36 Pursuant to condition 10 attached to this permission, yearly logs of maintenance shall be kept which should be carried out in accordance with any approved Maintenance Plan. These must be made available for inspection upon request by the Local Planning Authority.

### **Housing Mix requirements**

- 37 The development shall be carried out in accordance with the following housing mix: 1 or 2 bedrooms – minimum 50%; 3 bedrooms – minimum 30%; and 4+ bedrooms – no more than 20%.

**Smaller Dwellings that are Single Storey in Height**

- 38 Not less than 4% of the dwellings hereby approved shall be smaller dwellings (1 or 2 bedrooms) that are single-storey in height.

**Playing Field Requirements**

- 39 No development of the playing fields 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 that could affect playing field quality;
  - (ii) based on the results of the assessment to be carried out under (i), a detailed scheme that ensures 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 grass and sports turf establishment and a programme of implementation; and
  - (iii) a noise impact assessment relating to the use of the playing fields detailing a scheme of future mitigation measures.

The approved schemes shall be carried out in accordance with the Strategic Phasing Plan (condition 11) and the land shall thereafter be maintained and made available for use as playing fields in accordance with the approved details.

**Community Use Agreement (CUA)**

- 40 Before the playing fields are brought into use, a Community Use Agreement (CUA) shall be submitted to and approved in writing by the Local Planning Authority. This agreement shall include details of a pricing policy, hours of use, access by non-members, management responsibilities, and a mechanism for review. The CUA shall be implemented, in the manner approved, at all times.

**No Floodlighting**

- 41 There shall be no floodlighting associated with the playing fields/sports pitches, including those associated with the Primary School.

**Details of Local Centre units to be provided**

- 42 Prior to or contemporaneous with the submission of any application for reserved matters relating to the Local Centre, details of the distribution and size of all units intended for use within Use 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 details.

**Hours of use for Local Centre Units**

- 43 The hours of use for any unit used for purposes within Use 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 shall be 0700 to 2300 hours on Mondays to Saturdays (inclusive), Sundays and Bank Holidays.

**Delivery and Collection Hours for Local Centre Units**

- 44 Deliveries to and collections from any unit used for purposes within Use 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 shall only take place between 0730 to 1900 hours on Mondays to Saturdays and Sundays and Bank Holidays.

**Means of commercial refuse/recycling for Local Centre**

- 45 No development of the commercial units within the Local Centre shall be carried out until details of the means of commercial refuse/recycling storage, including details of the bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage facilities shall be provided in accordance with the approved details before the units are brought into use and retained as such for their intended purpose thereafter.

**Local Centre – Ventilation Equipment**

- 46 No installation of any extract ventilation system, compressors, generators, refrigeration equipment, or any other fixed plant, shall be installed on any building in the Local Centre, unless the details of such equipment has first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the location of the equipment, acoustic housing, and any vibration isolation measures, together with projected noise levels at the boundary of the property. Installation shall be carried out in accordance with the approved details and retained as such thereafter.

**Sound level restrictions for any Amplified Sound**

- 47 The specific sound level (LA eq,15) resulting from any amplified sound used within any units falling within Use Classes A3, A4, A5, D1 and D2 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall not exceed the background noise level (LA 90,15), at a point one metre from the external façade of the nearest noise sensitive receptor.

**POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.