

DRAFT PLANNING CONDITIONS – Agreed between the Appellants and the LPA

v18 (26/08/22)

General

1. The development hereby permitted must be begun not later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
2. Application(s) for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – Drawing No. DE_436-002 Rev A
 - Land Use Parameters Plan – Drawing No. DE_436-020
 - Building Heights Parameters Plan – Drawing No. DE_436-021
 - Access and Movement Parameters Plan – Drawing No. DE_436-022
 - Green Infrastructure Parameters Plan - Drawing No. DE_436-023
 - Proposed Means of Access – CTP-20-1142 Drawing No. SK01 Rev D
4. Approval of the details of the layout, scale, landscaping, appearance and means of access (other than the means of access off Radwinter Road) ('the Reserved Matters') for each phase of development must be obtained from the Local Planning Authority in writing before the development on that phase commences and the development in that phase must be carried out as approved. The submission of Reserved Matters for the first phase of the development shall be accompanied by the submission of a phasing plan that identifies the subsequent phases of development. The development shall be carried out in accordance with the approved details.

Arboriculture

5. Prior to commencement of any building, engineering works or other activities on the site (with the exclusion of site investigation works), the approved tree protection measures as set out in the BJ Unwin 'Tree Constraints, Tree Impacts and Tree Protection Method Statement for new development' (June 2021) and the associated Tree Retention and Protection Plan (Dwg No. SWTRP-JUN21) shall be put in place. The development shall be carried out in accordance with the approved details. The approved means of protection shall remain in place until completion of works obviates the need for protection of trees during

the construction process.

Archaeology

6.

- a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the Applicant and approved in writing by the Local Planning Authority.
- b) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy.
- c) The Applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of the fieldwork unless otherwise agreed in advance with the Local Planning Authority). This will comprise the completion of post-excavation analysis; the preparation of a full site archive and report ready for deposition at the local museum.

Drainage

7. No development shall take place until a detailed surface water drainage scheme for the site, including provisions for maintenance, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The surface water drainage shall be carried out in accordance with the approved details.
8. No development shall be occupied in any phase until confirmation has been provided that either:
 - Foul water capacity exists off site to serve the development; or
 - A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Anglian Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 - All foul water network upgrades required to accommodate the additional flows for the development have been completed.

Ground Contamination

9.

- i) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard or Model Procedure if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - a) A survey of the extent, scale and nature of contamination;
 - b) The potential risk to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes:
 - Adjoining land
 - Ground waters and surface waters;
 - Ecological systems; and
 - Archaeological sites and ancient monuments.
- ii) No development shall take place in locations where (following the risk assessment) land affected by contamination is found, which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s); the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that on completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority) before the development (or relevant phase of development) is occupied.

Management Plans

Construction Environment Management Plan (CEMP)

10. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features
- d) The times during construction when specialist ecologists need to be present on site to oversee works
- e) Responsible persons and lines of communication
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- g) Use of protective fences, exclusion barriers and warning signs
- h) The approved CEMP shall be implemented throughout the construction period in accordance with the approved details
- i) Provision of a Soil Management Plan

The development shall only proceed strictly in accordance with the approved details.

Construction Management Plan (CMP)

11. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) incorporating the measures contained within Appendix F of the Air Quality Assessment by Kairus Ltd Ref: AQ051769 dated 12/7/2021 shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Risk assessment of potentially damaging construction activities
- c) Hours of operation, delivery and storage of materials
- d) Details of any highway works necessary to enable construction to take place
- e) Contractors access arrangements for vehicles, plant and personnel including the location of

construction traffic routes to, from and within the site, details of their signage, monitoring and enforcement measures.

- f) Parking and loading arrangements
- g) Details of hoarding
- h) Management of traffic to reduce congestion
- i) Control of dust and dirt, including on the public highway
- j) Wheel and underbody washing facilities
- k) Responsible persons and lines of communication
- l) Details of any membership of the Considerate Contractors scheme
- m) Details of consultation and complaint management with local businesses and neighbours
- n) Waste management proposals
- o) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- p) Prohibition of the burning of waste on site during construction
- q) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- r) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and the arrangements to ensure that, where necessary, repairs are undertaken at the developer expense where damage to the highway has been caused by the construction of the development.
- s) Mechanisms to identify and protect strategic pipes and services crossing the site.

The approved CMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved materials.

Landscape and Ecological Management Plan (LEMP)

12. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) aims and objectives of management
- d) Appropriate management options for achieving aims and objectives, including provision for funding

- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for the implementation of the plan
- h) ongoing monitoring and remedial measures

The approved plan shall be implemented in accordance with the approved details.

OTHER CONDITIONS

Noise

13. The details of layout and appearance to be submitted in accordance with the Reserved Matters shall include full details of the noise mitigation measures required. The scheme shall follow the recommendations identified in the Resound Acoustics Report Reference: RA00693 – Rep I and shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. Dwellings shall not be occupied until such a scheme has been implemented, in accordance with the approved details for mitigating noise at that dwelling. The mitigation scheme shall be retained in accordance with those details thereafter.

External Lighting

14. Prior to the installation of any external lighting, details of said lighting, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the local planning authority. Only the details thereby approved shall be implemented.
15. Prior to the installation of any external lighting, a lighting scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on the site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specification and locations set out in the scheme and maintained thereafter in accordance with the scheme. No external lighting shall be installed without prior consent from the local planning authority.

Electric Vehicle Charging Points

16. Prior to first occupation of the development hereby permitted, a scheme setting out the arrangements for electric vehicle charging to include at least one electric vehicle charging point for each dwelling with on-plot parking and a publicly accessible car club parking space with the installation of an electric vehicle charging point for use in connection with a future town wide car club shall be submitted to, and approved in writing by, the Local Planning Authority. At least 20% of parking spaces, including the car club parking space, should be provided with fast charging points (7 – 22kW) and the remainder should be adaptable for electric vehicle fast charging. Thereafter the charging points shall be installed in accordance with the approved scheme and fully wired and connected ready to use before first occupation of each dwelling.

Vehicle Parking and Cycle Storage

17. The submission of details of layout for each phase shall include a scheme for the provision of secure covered cycle storage and arrangements for car parking to meet the standards set out in ECC Parking Standards: Design and Good Practice 2009. The approved provision for cycle storage and car parking shall be made available prior to the first occupation of each dwelling in that phase.

Biodiversity

18. Prior to commencement of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority species, in accordance with the details contained in the Addendum to the Environmental Statement Volume 1: Chapter 8 Ecology (Harris Lamb, January 2022) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works **and protections** are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant);
 - g) details of the appointment of a person (e.g. ecological clerk of works) to provide ecological

- expertise during construction; and
- h) details of a Reptile Mitigation Strategy.

The identified enhancement measures shall be implemented in accordance with the approved details and timetable to achieve as a minimum a metric of at least 10% biodiversity net gain. All features shall be retained in that manner thereafter.

19. Prior to the commencement of development, a Farmland Bird Mitigation Strategy shall be submitted to and approved in writing by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision for on-site mitigation measures prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure, e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures, e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure; and
- e) a timetable for the implementation of the mitigation measures.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Highways

20. Prior to first occupation of the proposed development, a residential travel plan shall be submitted to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plan shall include provision for travel packs to be provided to all residents setting out public transport options, promoting cycling and walking routes, and a travel plan co-ordinator and shall then be implemented for a minimum period from first occupation of the development until 1 year after final occupation.

21. Prior to the construction of any dwelling, a scheme shall be submitted to, and approved by, the local planning authority which includes the following:

- a) Capacity improvements for the Radwinter Road/Thaxted Road/East Street/Chaters Hill junction as shown in principle on Dwg No. CTP-20-1142 SK10 Rev A;
- b) Signalisation of the Thaxted Road/Peaslands Road junction as shown in principle on Dwg No. CTP-20-1142 SK11 Rev A;
- c) Signalisation of the Church Street/High Street junction as shown in principle on Dwg No. 2206-01-TS-01 Rev B. The scheme shall include appropriate connections with the existing signals at the High Street/George Street junction.

The approved works shall include (but not be limited to) all necessary traffic regulation orders, safety audits, lighting, signing and surfacing and shall be implemented prior to first occupation of the development.

22. The access road shown on Dwg No. CTP-20-1142 SK01 Rev D shall be completed to the satisfaction of the LPA prior to the first occupation of the development.

23. Prior to occupation of the development, the access of 6.75m width, one 2m wide footway and one 3.5m wide footway cycleway – as shown in principle on submitted Dwg No. CTP-20-1142-SK01-D – shall be provided, including clear to ground visibility splays at the access with dimensions of 2.4 metres by 160 metres to the west and 2.4 metres by 120 metres, as measured from and along the nearside edge of the carriageway. The access with associated vehicular visibility splays shall retained free of any obstruction at all times thereafter.

24. Prior to occupation of the development, the highway works as shown in principle on Dwg No. 20-1142-SK01-D shall be provided and include (but not be limited to) all necessary traffic regulation orders, safety audits, lighting, signing and surfacing and shall. The works include:

- a) Two bus stops which shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
- b) An uncontrolled crossing with drop kerbs and pedestrian island.

- c) Initiating the process to extend the 30mph speed limit east to include the access and bus stops and if the process is successful implementing the approved Traffic Regulation Order. Process and implementation to be implemented at no cost to the highway authority.
- d) A 2m footway from the access eastwards to the proposed bus stop and westwards to join the existing footway on the south of Radwinter Road.
- e) *Protection, remediation and alteration of the existing footway.*¹

Provision for Sustainable Transport Links

25. The details for the layout as a Reserved Matter, as required by Condition 4, shall make provision for:

- i) a bus turning facility and bus stop within the site as shown in principle in drawing number DE-463-022; and
- ii) a 3m wide pedestrian and cycle link to the western site boundary in the position as shown in principle on Dwg No. 20-1142 SK16. The pedestrian and cycle use shall be made available for public use.

Sustainability

26. Prior to the construction of any dwelling on each phase of the development, details for the provision of domestic heating from a renewable source of energy and the installation of PV solar panels shall be submitted to, and approved by, the local planning authority. The approved details shall be installed prior to the occupation of each dwelling.

Safeguarding CLH Pipeline

27. Details of layout required pursuant to the provisions of Condition 2 shall safeguard the route of the CLH pipeline, including requirements that may be made for maintenance and access.

¹ Condition 24(e) is not agreed between the Parties. The LPA and the Appellants do not believe that bullet point e) is required to make the development acceptable. The Rule 6 Party considers that the request for a formal footpath satisfies the tests for lawful planning conditions.