

24 August 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



APOLOGIES: Committee Services
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on WEDNESDAY 2 SEPTEMBER 2026 at 7.30 pm
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

CHAIRPERSON:	Councillor R G Pratt	
VICE-CHAIRPERSON	Councillor M E Thompson	
COUNCILLORS	M G Bassenger	S J N Morgan
	D O Bown	C P Morley
	J R Burrell-Cook	M G Neall
	S J Burwood	R G Pratt
	S Dodsley	R H Siddall
	J Driver	U G C Siddall-Norman
	M F L Durham, CC	N D Spenceley
	A Fittock	P L Spenceley
	A S Fluker	W Stamp, CC
	L J Haywood	E L Stephens
	J C Hughes	J C Stilts
	K Jennings	N J Swindle
	K M H Lagan	S White
	A M Lay	L L Wiffen
	W J Laybourn	

Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.



AGENDA
DISTRICT PLANNING COMMITTEE
WEDNESDAY 2 SEPTEMBER 2026

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes - 14 July 2026** (To Follow)

To confirm the Minutes of the meeting of the District Planning Committee held on 14 July 2026.

4. **Minutes - 5 August** (Pages 7 - 12)

To confirm the Minutes of the meeting of the District Planning Committee held on 5 August 2026 (copy enclosed).

5. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **26/00018/FULM Land West of Edmond Street and Newman Drive and Benson Close, Burnham-on-Crouch, Essex** (Pages 13 - 56)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)*.

7. **26/00066/OUTM - Land Rear of 6 to 108 Mell Road, Tollesbury, Essex** (Pages 57 - 122)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)*.

8. **Any other items of business that the Chairperson of the Committee decides are urgent**

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. ??.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

Lift

Please be aware, there is not currently lift access to the Council Chamber.

MALDON DISTRICT COUNCIL

DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third-party representations and consultation replies received.
3. The following Statutory Development Plans and Other Material Considerations:

Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept. 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

Other Material Considerations

Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [The Town and Country Planning Act 1990](#) (as amended)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [The Neighbourhood Planning \(General\) Regulations 2012](#) (as amended)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended)
- [Growth and Infrastructure Act 2013](#)

- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)
- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling-Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#) New NPPF published 17 August 2026
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

Guidance, Supplementary Planning Documents (SPD) and Design Statements

National-scale

- [National Planning Practice Guidance](#)

Sub-Regional / Essex-scale

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

District-scale

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational disturbance Avoidance Mitigation Strategy \(RAMS\) 2026 SPD](#)

- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five-Year Housing Land Annual Supply Statement – February 2025](#)

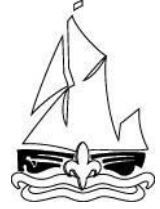
Local-scale

- [Heybridge Basin Village Design Statement – 2006](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

Maldon District Local Development Plan Review Evidence Base

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2021](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
 - [Assessment of Selected Sites](#)
 - [Maldon District Local Wildlife Sites Register 2022](#)
 - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
 - [Appendix G](#)
 - [Appendix H](#)
 - [Appendix I](#)
 - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



**MINUTES of
DISTRICT PLANNING COMMITTEE
5 AUGUST 2026**

PRESENT

Vice-Chairperson
(in the chair)

Councillor M E Thompson

Councillors

M G Bassenger, S J Burwood, M F L Durham, A Fittock,
A S Fluker, L J Haywood, J C Hughes, K Jennings,
S J N Morgan, C P Morley, U G C Siddall-Norman,
N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens,
N J Swindle and L L Wiffen

Officers (Maldon
District Council)

Mr Jaggard, Director of Place, Planning and Growth
Mr Purvis, Development Management Team Leader
Mr Ball, Principal Planning Officer

1. CHAIRPERSON'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D O Bown, J R Burrell-Cook, S Dodsley, J Driver, K M H Lagan, A M Lay, W J Layborn, M G Neall, R G Pratt, R H Siddall, J C Stilts and S White.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meetings of the District Planning Committee held on 25 June and 8 July 2026 be approved and confirmed.

4. DISCLOSURE OF INTEREST

There were none.

5. **25/00381/OUTM - LAND NORTH OF WEST STREET, TOLLESBURY, ESSEX**

Application Number	25/00381/OUTM
Location	Land North of West Street Tollesbury Essex
Proposal	Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, Suitable Alternative Natural Greenspace (SANG) and sustainable drainage.
Applicant	Welbeck Strategic Land IV LLP
Agent	DLP Planning Ltd
Target Decision Date	14 August 2026
Case Officer	Gareth Ball
Parish	Tollesbury West
Reason for Referral to the Committee / Council	Departure – Site outside of the settlement boundary.

It was noted from the written Addendum circulated prior to the meeting that there had been amendments to paragraphs 5.4.1, 5.4.2, 5.5.1 and to consultee comments. Insertion of section 106 clauses and amendments to condition 5.

Further to this a verbal addendum was provided highlighting a typographical error in the report at 5.12.13 which states ‘transport assessment does project a significant increase to traffic to Colchester road’ which should read as ‘does not’. Essex County Council (ECC) had provided additional comments stating that they maintain their previous comments including the financial contributions listed in the Committee report. Four further letters of representation from the public had been received with no new material planning considerations. Finally, a letter had been received earlier in the day from a local Member of Parliament objecting to the scheme which had not added any new material planning considerations.

The Officer then presented the report.

Following this an Objector Andrew Gilbert, Tollesbury Parish Councillor Caroline Page and the Agent Rhys Bradshaw addressed the Committee.

A Lengthy discussion ensued between Members and Officers, with Officers providing the following information:

- The Council did not currently have a five-year housing land supply, so the tilted balance was applied. They advised that, under the NPPF, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. Officers confirmed their recommendation was based on national and local planning policy, recent appeal decisions and the evidence before the Committee.
- Cumulative impact had been considered, but the weight given depended on the status of other schemes. The approved Obsidian scheme was given moderate weight because the Section 106 was still ongoing. The Gladman appeal scheme was given very limited weight because it had not yet been determined. He said cumulative effects had to be considered topic by topic, such as highways, infrastructure and landscape.
- The proposal would result in the loss of Grade 3 agricultural land. However, they gave this limited weight, reflecting recent appeal decisions where similar or greater agricultural land loss had been given limited weight.

- Highway assessments were based on traffic surveys and modelling reviewed by the Highway Authority. The officer stated that even with cumulative development scenarios, Essex Highways considered key junctions to remain within acceptable operating levels. Concerns about parked cars and local congestion were acknowledged, but the officer advised these had not been identified by statutory consultees as not substantial enough to justify refusal.
- The applicant had submitted a primary school pedestrian audit identifying routes to Tollesbury School. They acknowledged there were pinch points, including narrow sections of pavement, but said the route had been reviewed and accepted by the relevant consultees. Officers said the earlier request for a school transport contribution had been removed after the additional pedestrian audit was accepted. They warned that, if the route was later considered unacceptable, the issue could potentially be addressed through a school transport contribution rather than becoming a clear refusal reason. The Officer warned that arguing there was no safe routes to school could be difficult at appeal because ECC Education had withdrawn its objection.
- In regard to school capacity the Officer advised that ECC Education had been consulted. They said ECC Education had not objected, subject to the relevant contributions or mitigation.
- Anglian Water had not provided additional comments, but the Officer advised that developers have statutory rights and processes for connecting to drainage infrastructure. He indicated that drainage concerns were generally difficult to sustain as planning refusal reasons without supporting evidence from the relevant statutory bodies.
- The Officer confirmed existing draft conditions covering construction management, traffic routing, bus stop design, and play equipment. He said further work could be undertaken on restrictions for construction traffic and park accessibility features if members wished.
- Officers noted the Fire and Rescue Service had raised the need for additional hydrants. They said this would generally be dealt with between the developer, the fire service and the water provider outside the main planning determination. However, officers indicated they could explore whether an additional condition on hydrants could be added if Members were minded to approve.
- Officers accepted that the bus contribution related to service improvements rather than creating a permanently guaranteed enhanced service. They said contributions from this could support an hourly Monday-to-Saturday service and two-hourly evening services for a period, with the expectation it could become viable. Officers maintained that, in planning terms, Tollesbury was still regarded as a sustainable location, having local services and some public transport provision.
- Officers confirmed there was already a condition relating to children's play space. They said the wording could be adjusted to require accessible play equipment for children with disabilities or additional needs.
- A Construction Environmental Management Plan was proposed. This would require construction traffic routing and other controls to be agreed. Officers said they could explore whether specific roads, such as Colchester Road, Back Road, Chapel Road and North Road, could be restricted, but cautioned that any condition would need to be reasonable and agreed where appropriate.
- Throughout the discussion the Officer repeatedly warned that reasons for refusal would need robust evidence and expert support if defended at appeal.

At this point in the meeting Councillor A Fittock proposed that they approve the application in line with Officer recommendation. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor S J N Morgan requested a recorded vote. This was duly seconded.

Further discussion ensued between Officers and Members. The Chairperson then put the proposal to approve the application to a vote, and the voting was as follows:

For the recommendation:

Councillors M F L Durham, A Fittock, S J N Morgan, and N D Spenceley.

Against the recommendation:

Councillors A S Fluker, L J Haywood, J C Hughes, K Jennings, C P Morley, U G C Siddall-Norman, P L Spenceley, W Stamp, E L Stephens, N J Swindle and L L Wiffen.

Abstention:

Councillors M G Bassenger, S J Burwood and M E Thompson.

The Chairperson advised that the motion to approve was therefore not agreed.

Following this Councillor Fluker proposed that the application be refused, contrary to Officers recommendation, and outlined some reasons for refusal. This was duly seconded.

Further discussion over the reasons for refusal between Officers and Members occurred and the following areas of concern were highlighted. Officers emphasised the need for robust reasons for refusal.

- Essex Highways' assessment of pedestrian safety and whether further clarification or independent review was needed. In particular, walking routes to Tollesbury School, and whether the routes were genuinely safe for young children, pushchairs and wheelchair users.
- Accuracy of the highways and traffic evidence, including traffic counts, assumptions and route distribution. This included cumulative traffic impact from this application, and other potential developments in Tollesbury.
- Cumulative infrastructure impact of the approved and proposed housing growth in Tollesbury.
- Anglian Water's position on the cumulative impact of developments.
- Water supply and whether adequate fire hydrants could be provided on-site.
- Bus service frequency, reliability and whether proposed improvements would provide a sustainable transport option.
- Whether the development was sustainable given the limited public transport and likely reliance on private cars.
- Whether the development would harm the character and rural setting of Tollesbury.

Following this discussion, the Director of Place, Planning and Growth suggested that the Committee may wish to consider deferring consideration of the application to allow Officers to gather additional information, including from statutory consultees. Should this information not alleviate the concerns raised by Members, the deferral would also allow Officers to consider reasons for refusal.

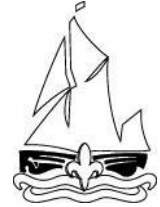
Councillor W Stamp then proposed that the application be deferred, this was duly seconded. Upon a vote being taken this proposal was approved.

RESOLVED that the application be **DEFERRED** to a later date.

There being no other items of business the Chairperson closed the meeting at 9.47 pm.

M E THOMPSON
CHAIRPERSON

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**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**DISTRICT PLANNING COMMITTEE
2 SEPTEMBER 2026**

Application Number	26/00018/FULM
Location	Land West of Edmond Street and Newman Drive and Benson Close, Burnham-on-Crouch, Essex
Proposal	Hybrid planning application for a residential-led development comprising full planning permission for the construction of 170 dwellings (including market and affordable homes) (Use Class C3), vehicular access points, public open space, sustainable urban drainage systems (SuDS), and associated infrastructure; and outline planning permission (with all matters reserved, apart from access) for the construction of up to 190 dwellings (Use Class C3), public open space, and associated infrastructure; and retention of the employment land within Use Classes E(g), B2, and B8.
Applicant	BDW Trading Limited and Burwest LLP
Agent	Miss Guoda Vaitkeviciute – Lanpro
Target Decision Date	4 September 2026 (with EoT agreed to 14 December 2026 to allow for S106 completion in the event of resolution to grant permission)
Case Officer	Matt Bailey
Parish	Burnham-on-Crouch North
Reason for Referral to the Committee / Council	Major Application

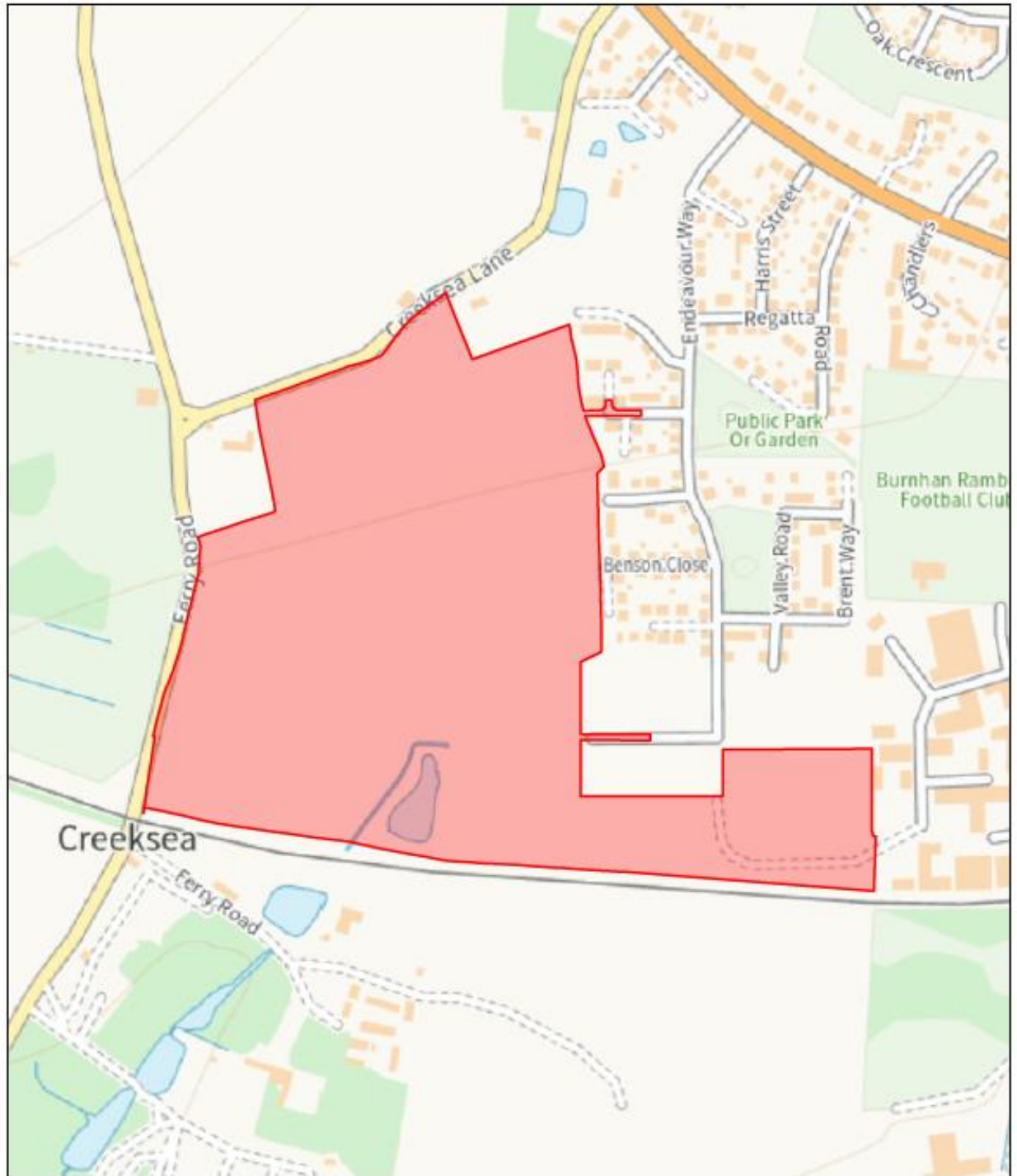
1. RECOMMENDATION

APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations; subject to receipt of final confirmation of technical highways drawings, ecology consultee responses and agreement of railway crossing contribution; and subject to conditions as detailed in Section 8;

If the Section 106 legal agreement is not completed within three months of the date of this District Planning Committee, or an extended time period as agreed between the applicant and the Council, then delegate authority to the Director of Place, Planning and Growth to **REFUSE** the planning application, subject to the referral of the case to the Secretary of State for a period of at least 21 days, who may opt to call-in the decision as per the Town and Country Planning (Consultation) (England).

2. SITE MAP

Please see below.



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3. SUMMARY

3.1 Proposal / Brief Overview, Including Relevant Background Information

Site and Surroundings

- 3.1.1 The application site comprises an area of open farmland extending to approximately 23.44 hectares in area, located to the western edge of the settlement of Burnham-on-Crouch. This site is accessed via an existing residential development at Corinthian Place (under construction and nearing completion) which lies to the east of the site and provides vehicular access to Maldon Road via Endeavour Way.
- 3.1.2 The site is bound by Creeksea Lane to the north and west, which links to Ferry Road running along the western site boundary, Burnham-on-Crouch Golf Club and open countryside lay beyond Ferry Road further to the west. The south-eastern corner of the site lies adjacent to an existing industrial area of Springfield Road to the east. To the south, the site boundary is defined by the Crouch Valley railway and vineyards beyond.
- 3.1.3 The main portion of the site consists of two arable fields, divided by hedgerows, trees and drainage features, including a large existing attenuation basin located to the south of the site. A Public Right of Way (PRoW) (Footpath 3) crosses the site north to south, connecting the site and surrounding neighbourhoods to a pedestrian railway crossing and the riverside path network to the south.
- 3.1.4 The area of the site upon which residential development is proposed lies outside of the defined settlement boundary of Burnham-on-Crouch but immediately abuts Strategic Growth Area Allocation S2(i) "Burnham on Crouch West", as defined by the Maldon Local Development Plan (LDP). The south-eastern part of the site is retained as employment land for Use Classes E(g), B2 and B8, as defined by LDP Policy E1(p).
- 3.1.5 The site does not lie within or adjacent to a conservation area and no listed buildings are present either on site or nearby; however archaeological evidence identifies some potential for prehistoric and Roman remains.

The Proposed Development

- 3.1.6 The application proposals consist of two distinct phases. Full planning permission (Phase 1) is sought for the development of 170 dwellings, including 68 affordable homes, with vehicular access, internal streets, parking, public open space, play space, sustainable drainage, landscaping and associated infrastructure. Outline permission (Phase 2) is sought for up to 190 further dwellings with all matters reserved apart from access, together with public open space and infrastructure. Combined, the two phases would therefore provide a maximum of 360 new dwellings. The employment parcel would remain available for E(g), B2 and B8 uses.
- 3.1.7 The current parameter plans are the P11 concept plan, P08 movement and access plan, P07 land use plan, P06 building height plan and P06 density plan. The outline residential parcels are generally shown at 25–35 dwellings per hectare and predominantly up to two storeys, with landscape buffers, SuDS, pedestrian and cycle connections and a retained employment interface.
- 3.1.8 Phase 1 comprises 102 market and 68 affordable homes. The market element contains 36 two-bedroom homes, 35 three-bedroom homes, 26 four-bedroom homes and five five-bedroom homes. The affordable element contains 18 one-bedroom, 29 two-bedroom, 19 three-bedroom and two four-bedroom homes, including six one-bedroom bungalows. The applicant offers 40% affordable housing across the full and outline elements, with a 75%

rented and 25% shared ownership tenure split. Detailed plans submitted for Phase 1 provide details of tenure, height, parking, refuse, materials and housing mix plans, house type portfolios with floorplans and elevations of each type, street scenes and a detailed landscaping scheme.

- 3.1.9 Phase 2 would comprise up to 190 dwellings, to be defined as part of reserved matters. The outline residential parcels as shown on the parameters plans provided are generally shown at a density of 25–35 dwellings per hectare, predominantly up to two storeys in height, with landscape buffers, a new bridleway to the western edge of the site, SuDS, pedestrian and cycle connections.
- 3.1.10 Approximately 5.12 hectares of public open space and green infrastructure are proposed, which include retained and strengthened hedgerows, structural planting, play areas, sustainable drainage, walking and cycling routes and a circular recreational route linked to Riverside Park. The submitted statutory metric predicts a 14.39% area-habitat gain and a 20.74% hedgerow gain.

Conclusion

- 3.1.11 Although the site lies outside the defined settlement boundary, it adjoins and is accessed through the allocated Burnham-on-Crouch West development that is under construction at Corinthian Way. National policy S3 applies the presumption in favour of sustainable development through the decision policies in Chapter 4. For development outside settlements, policy S5 is engaged. The proposal relates directly to the existing strategic allocation and addresses an evidenced housing-supply shortfall in a location physically well related to Burnham-on-Crouch and capable of being supported by the necessary infrastructure.
- 3.1.12 The scheme would deliver a significant number of market homes (and 40% affordable housing within Phase 1) at a time when the Council can demonstrate only 4.1 years of housing land supply. Furthermore, due to the ongoing nature of their development at Corinthian Way, the applicant has confirmed that subject to the grant of permission they propose to advance with construction of Phase 1 in April 2027, thereby ensuring that this housing would be delivered within the 5-Year Housing Land Supply (5YHLS) period, with Phase 2 also to follow in Summer 2028.
- 3.1.13 Due to the application site's location within the open countryside, detailed consideration has been given to the potential impact of development on the character and appearance of the area, including appointment of an independent consultant to assess the applicant's submitted Landscape and Visual Impact Assessment (LVIA). In short, it is concluded that, due to the enclosed nature of the site to the north and west, and the existing development ongoing to the east, the proposal would not result in an unacceptable degree of harm to the local landscape, taking into account the layout of the scheme (full and indicative outline layouts) and associated landscaping proposals and green buffer to the west which includes a new bridleway route.
- 3.1.14 Concerns relating to highways matters have been addressed through the course of the application both in terms of the technical access details at the Endeavour Way junction with Maldon Road, and also a commitment to junction improvements to the affected junction further afield at the junction between Lower Burnham Road and Fambridge Road (by way of a S278 agreement).
- 3.1.15 In addition to the proposed new bridleway and footpath improvements across the site, pedestrian safety improvements are also proposed in the form of a financial contribution towards the installation of miniature stop light system at the railway crossing to the south of the site.

- 3.1.16 Other relevant matters relating to archaeology, site drainage, ecology and infrastructure contributions have all been addressed during the course of the application.
- 3.1.17 Officers have assessed the benefits and adverse effects in the Planning Balance and Conclusion section. Applying policies S3 and S5 of the August 2026 National Planning Policy Framework (NPPF), the proposal should be approved unless its benefits are substantially outweighed by adverse effects assessed against the national decision policies. The identified adverse effects do not substantially outweigh the significant housing and affordable-housing benefits. Approval is therefore recommended subject to the conditions and planning obligations in this report.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (August 2026), including:

- Paragraph 17 Achieving sustainable development

Chapter 3 - Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM5 Development viability
- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 - Achieving sustainable development

- S3 Presumption in favour of sustainable development
- S5 Principle of development outside settlements

Chapter 5 - Meeting the challenge of climate change

- CC2 Mitigation of climate change
- CC3 Adaption to climate change

Chapter 6 - Delivering a sufficient supply of homes

- HO7 Meeting the need for homes
- HO8 Providing affordable homes
- HO9 Specialist forms of accommodation
- HO10 Exception sites
- HO11 Isolated homes in the countryside
- HO12 Traveller sites

Chapter 12 - Making effective use of land

- L3 Achieving appropriate densities

Chapter 14 - Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 - Promoting sustainable transport

- TR3 Locating development in sustainable locations
- TR4 Street design, access and parking
- TR6 Assessing transport impacts

- TR8 Public rights of way

Chapter 16 - Promoting health communities

- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- HC5 Hot food takeaways
- HC8 Development affecting Local Green Space

Chapter 17 - Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities

Chapter 18 - Managing flood risk and coastal change

- F4 Assessing flood risk for decision-making
- F7 Ensuring development is safe from flooding
- F8 Sustainable drainage systems and watercourses

Chapter 19 - Conserving and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development
- N5 Maintaining the character of the coast
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 - Conserving and enhancing the historic environment

- HE4 Securing the conservation of heritage assets
- HE5 Assessing effects on heritage assets
- HE6 Proposals affecting designated heritage assets
- HE7 Decisions on non-designated heritage assets
- HE9 Conservation areas
- HE10 Loss or removal of heritage assets

4.2 Maldon District Local Development Plan (LDP) 2014–2029

- S1 – Sustainable Development
- S2 – Strategic Growth
- S6 – Burnham-on-Crouch Strategic Growth
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D4 – Renewable and Low Carbon Energy Generation
- D5 – Flood Risk and Coastal Management
- E1 – Employment
- E3 – Community Services and Facilities
- 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

4.3 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP)

- S1 – Strategic Housing Growth
- EN.2 – New Development and Flood Risk
- HO.2 – Range and Type of New Residential Development
- HO.3 – Housing for Retired and Elderly Persons
- HO.4 – Affordable Market Housing
- HO.8 – Housing Design Principles

4.4 Other Material Guidance and Evidence

- National Planning Practice Guidance
- Maldon District Local Housing Needs Assessment (LHNA) 2025
- Technical Advice Note (TAN) – Housing Mix Position November 2025
- Maldon District Design Guide 2017
- Essex Design Guide
- Maldon District Vehicle Parking Standards
- Maldon District Green Infrastructure Strategy
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Essex County Council (ECC) Sustainable Drainage Systems (SuDS) Design Guide
- Maldon District Five-Year Housing Land Supply (5YHLS) Position 2025

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Policies S1 and S2 seeks to achieve strategic growth by way of sustainable extensions to the settlements of Maldon, Heybridge and Burnham-on-Crouch, in the form of Garden Suburbs or Strategic Allocations. Policy S6 allocates growth at Burnham-on-Crouch and expects coordinated delivery of housing, employment, transport, green infrastructure and services. Policy E1 supports the retention and provision of employment land, while Policies I1 and I2 require the infrastructure needed to support healthy communities.
- 5.1.2 The application site lies outside of the defined settlement boundary of Burnham-on-Crouch, with the majority of the site outside of any defined allocated housing site. The site falls within the open countryside, where LDP Policy S8 supports development which complies with one of the sub-criteria (a) to (m) within the policy and where the “intrinsic character and beauty of the countryside is not adversely impacted upon”. Since the development does not meet any of these sub-criteria, the development is technically contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.
- 5.1.3 Notwithstanding this, the site lies immediately adjacent to the residential development currently underway as part of Strategic Growth Area S2(i) “Burnham-on-Crouch West”, as allocated within the LDP. The vehicular access for the proposed development is achieved

via the Corinthian Way development, effectively rendering it as an extension of the approved allocated scheme. Given the proximity of the application site and its strong integration with the existing development (and the shared access routes linking the area to local services and amenities to the east), the site is considered to be in a sustainable location. The broader principles of Policy S2 encourage strategic growth by way of sustainable extensions to the three main settlements – it is considered that the proposed scheme in this case represents an appropriate sustainable extension of the existing allocation.

Five-year Housing Land Supply (5YHLS)

- 5.1.4 NPPF Policy HO1 and Annex D detail how housing calculations should be undertaken and considered. Paragraph 8 of Annex D states that *“local planning authorities should identify and update annually a supply of specific deliverable sites. This should be sufficient to provide a minimum of five years’ worth of housing, assessed against their housing requirement in the development plan, or against their local housing need (calculated using the standard method) where the development plan housing requirement is more than five years old”*.
- 5.1.5 It was established in a report to the Council on 12 February 2026 that the Maldon District Council 5YHLS stands at 4.1 years. This figure has been further disputed in recent planning appeals, including the Spratts Farm appeal (ref 6005664, decided on 18/08/2026) where the figure was disputed between the Appellant and Council, who respectively stated that it stands at 3.6 and 4.04 years. While an updated official figure has not been reached, it is acknowledged that it would fall below five years.

Presumption in Favour of Sustainable Development

- 5.1.6 Maldon Local Plan Policy S1 states that *“where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise. Account will be taken if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted”*.
- 5.1.7 NPPF Policy S3 applies the presumption in favour of sustainable through an approach which separates development within settlements and development outside settlements. Since the application site lies outside of any defined settlement boundary, the proposal falls to be considered under policy S5 together with the statutory development-plan duty.
- 5.1.8 Policy S5(1) supports specified forms of development outside settlements and requires approval unless the benefits are substantially outweighed by adverse effects assessed against the national decision policies. The policy also supports development meeting an evidenced unmet need, including where the authority cannot demonstrate 5YHLS, where the site is physically well related to an existing settlement and the scale of development can be accommodated by infrastructure.
- 5.1.9 As noted above, the majority of the site lies to the west of an existing LDP allocation and retains the allocated employment parcel while completing the coordinated housing and infrastructure framework. The site is considered to be well-related to Burnham-on-Crouch and connects through the existing strategic development and can be accommodated within the settlement subject to appropriate mitigation and contributions to local infrastructure as set out at section 8 of this report.

- 5.1.10 The final planning balance at section 5.21 of this report applies the policy S5 test, taking account of the development plan, the site's relationship to the strategic allocation, the housing-supply evidence, the national decision policies and all other material considerations.

Sustainable Transport and Infrastructure

- 5.1.11 The application proposes additional housing development which would give rise to a significant number of additional people living in the area. Therefore, NPPF Policy HC3 requires the development to *“provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable)”*.
- 5.1.12 NPPF Policy L3 seeks to make efficient use of land, through increasing density of development. The policy states that in achieving this, development proposals should take into account *“the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site’s connectivity and the importance of securing well-designed, attractive and healthy places”*.
- 5.1.13 Maldon District Council has not adopted the Community Infrastructure Levy (CIL). Where financial contributions are necessary to mitigate the impacts of a development, these are secured through individual financial contributions which are calculated to mitigate the relevant cost and secured as contributions to ECC where they operate the relevant services. Local Plan Policy I1 further states in this regard that *“developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts. Where the impact may be on the public highway network, then an agreement may be made under Section 278 of the Highways Act 1980 between the developer and the Highways Authority for the developer to undertake or pay for works”*.
- 5.1.14 The proposal would link directly to the western section of the allocated residential development S2(i) “Burnham-on-Crouch West” as defined by the LDP. Whilst this development is already well connected in terms of links to the centre of Burnham-on-Crouch, the new development would provide five further pedestrian and cycle connections to the adjoining development, with links towards Ferry Road and Creeksea Lane, improvements to PRoW route 3 (retained as part of the scheme), and installation of a zebra crossing on Maldon Road to the north. These measures, together with the retained PRoW, provide the basis for walking, cycling and public transport use across the site and would be secured by way of appropriately worded, the section 278 works and the Section 106 agreement.
- 5.1.15 Burnham-on-Crouch is defined as a Main Settlement under Policy S8 and provides a range of shops, schools, health, leisure and employment facilities. A number of services including the former Co-Op food store (under refurbishment and to be re-opened as Sainsburys in October 2026), medical centre, pharmacy lie approximately 1.5 km to the east of the site at Foundry Lane/Station Road, with schools at Ormiston Rivers Academy and St Mary's Primary School at approximately 1.6km and 1.83 km respectively. It is noted that routes to these amenities are capable of being cycled and some are walkable, although several are towards the upper end of a convenient walking journey.
- 5.1.16 Burnham-on-Crouch railway station lies approximately 1.6 km from the site (around a 20 minute walk or five minute cycle) and provides services towards Southminster and Wickford with onward connections. Bus stops are available on Maldon Road

approximately 500 metres away, though it is noted that these stops are not presently served by a regular route. Other active bus stops at Marsh Road are approximately 1.5 km from the site.

- 5.1.17 The detailed movement network proposed by the full application scheme and the outline application parameters indicate good internal permeability, and together with pedestrian safety improvements and links to the existing development to the west, would ensure appropriate routes are available to access day to day services. Highway improvements are proposed to both the main site entrance at Maldon Road, and also off-site works at North Fambridge (discussed at section 5.11 below).
- 5.1.18 Taking into account the relationship with Burnham-on-Crouch, the links to services and facilities and the station via the existing development, and the proposed walking and cycling network improvements, officers consider that the site lies in a broadly sustainable location.
- 5.1.19 The identified infrastructure impacts and the mitigation comprise of planning obligations to mitigate the impact in terms of financial contributions towards education, healthcare and public transport, plus on the site provision of a policy compliant level of affordable housing.

Loss of Agricultural Land

- 5.1.20 Local Plan Policy D2(11) states that “development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor-quality land should be prioritised over higher quality land”.
- 5.1.21 NPPF Policy N2(b) requires development to “take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible”.
- 5.1.22 Natural England’s Provisional Agricultural Land Classification (ALC) places the Site within an area of Grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category.
- 5.1.23 Officers have noted the Inspector’s stance in the recent appeal decision 24/01004/OUTM where the loss of 14.2ha Grade 3 agricultural land was given limited weight, and the recent appeal decision for application ref 25/00578/OUTM, where 18.4ha of Grade 3a BMV land was noted as being abundant in Maldon by the Inspector, who concluded that wherever new development takes place it would likely need to use land of similar quality, stating (appeal decision Paragraph 58) that “*given the size of the site in relation to the area of land in the district under cultivation, I do not consider that it would materially reduce the productivity of the wider area*”.
- 5.1.24 Given this assessment it is considered that the proposal would not result in the loss of the ‘best and most versatile agricultural land’ given its grading to be contrary to the requirements of LP policy D2(11) nor NPPF policy N2 (b).

Housing Deliverability

- 5.1.25 As noted above, the complete proposal would provide up to 360 homes, of which 170 would be provided as part of Phase 1, which has been identified by the applicant as a priority for delivery given the existing construction underway at Corinthian Way. The applicant has indicated that subject to permission being granted, the intention is to

commence work on Phase 1 by April 2027, and Phase 2 by Summer 2028. Both Phases 1 and 2 would therefore make a significant contribution to the Council's 5YHLS. The delivery of 68 affordable homes in the full phase and up to 144 overall is likewise considered to represent a substantial benefit.

Principle of Development Summary

- 5.1.26 The proposal conflicts with the settlement-boundary element of LDP Policy S8 and would result in the loss of agricultural land. However, the housing-supply shortfall, the site's physical relationship to Burnham-on-Crouch and its role in completing the strategic growth area engage NPPG policy S5(1)(i) and (j) so the presumption in favour of sustainable development as required by NPPF Policy S3 is applied. Therefore, this means that the principle of development is acceptable. The final planning balance is assessed following the assessment of the following material planning considerations.

5.2 Affordable Housing

- 5.2.1 LDP Policy H1 requires 30% affordable housing on qualifying sites in the Rural South-East Higher value area. The LHNA identifies acute affordability pressure and a strong need for rented accommodation. Policy H2 requires affordable housing to form part of a mixed and balanced community, with appropriate size, tenure and distribution.
- 5.2.2 The proposal offers 40% affordable housing: 68 of the 170 full-phase homes and up to 144 across the maximum 360-home development. The intended tenure split is 75% rented and 25% shared ownership. The full phase provides 18 one-bedroom, 29 two-bedroom, 19 three-bedroom and two four-bedroom affordable dwellings, including six one-bedroom bungalows. Affordable homes are distributed through the detailed layout rather than isolated in a single enclave.
- 5.2.3 The Council's Housing Team has been consulted through the application correspondence. The team accepts the full-phase affordable mix on balance because the phase materially overprovides units against the 30% policy requirement. Its advice supports the bungalows, on-site provision and overall offer, subject to final tenure, standards, registered-provider and delivery arrangements.
- 5.2.4 Public comments refer to housing affordability and the need to match local requirements. The provision exceeds the policy percentage and includes smaller affordable units and bungalows. The Section 106 agreement will prevent the benefit being lost through later tenure or phasing changes.
- 5.2.5 The affordable-housing package is acceptable and attracts substantial positive weight. It must be secured through the agreement with definitions for tenure, social rent, shared ownership, standards, nomination, transfer, clustering and occupation triggers. Subject to those controls, the proposal accords with Policies H1, H2, S1 and I1.

Housing Mix

- 5.2.6 Policy H2 of the LDP requires new residential development to provide a suitable mix and range of housing in size, type and tenure to reflect local need. The November 2025 TAN applies the latest LHNA evidence, and states that for major schemes the preferred market mix is 10% one-bedroom, 35% two-bedroom, 35% three-bedroom and 20% four-or-more bedrooms. Affordable-owned and affordable-rented ranges give greater emphasis to one, two- and three-bedroom homes. The evidence is not to be applied mechanistically, but strategic sites should match it more closely than small sites.

- 5.2.7 The Phase 1 proposal contains no one-bedroom market dwelling and a greater proportion of larger market homes than the preferred range but its affordable mix is stronger, with 18 one-bedroom homes, 29 two-bedroom homes and 19 three-bedroom homes.

PHASE 1 MIX	% Mix Tenure	% Mix Total	Required	Proposed
Market	70.0%	70.0%	119	102
1b	5.0%	3.5%	6	0
2b	30.0%	21.0%	36	36
3b	35.0%	24.5%	42	35
4+b	20.0%	14.0%	24	31
Affordable	30.0%	30.0%	51	68
Affordable Rented	80.0%	24.0%	41	51
1b	25.0%	6.0%	10	18
2b	30.0%	7.2%	12	21
3b	25.0%	6.0%	10	12
4+b	10.0%	2.4%	4	0
Shared Ownership	20.0%	6.0%	10	17
1b	15.0%	0.9%	2	0
2b	40.0%	2.4%	4	8
3b	30.0%	1.8%	3	7
4+b	5.0%	0.3%	1	2

- 5.2.8 Strategic Housing has advised that the Phase 1 affordable mix is considered acceptable on balance because of the over-provision and hence Internal correspondence supports an overarching scheme-wide condition which takes the 170 fixed dwellings into account and requires the aggregate 360 home development to meet the Council's current market and affordable mix, as set out within the TAN.
- 5.2.9 Likewise, whilst the initial tenure split between affordable rented housing and shared ownership housing does not fully comply with the TAN (75%-25% as opposed to 80%-20%), an acceptable split can be secured at Reserved Matters stage by way of the overarching condition proposed.
- 5.2.10 In terms of market housing, the scheme fails to provide any 1 bed dwellings, contrary to the mix set out by table 1 of the TAN. It is noted that Policy HO8 of the NPPF allows flexibility in the application of requirements relating to the bedroom mix of market housing where a proposal meets or exceeds current development plan requirements for affordable housing and tenure. Nevertheless, the over-arching condition is required in any event to ensure that the combined market and affordable housing mix across all 360 dwellings responds appropriately to the TAN, taking account of the 170 dwellings fixed as part of Phase 1.
- 5.2.11 The condition will therefore require the housing submitted at reserved matters stage to provide the balance of dwelling sizes and affordable housing tenures necessary to achieve an acceptable mix across the development as a whole. This approach allows the detailed Phase 1 layout to proceed while ensuring that subsequent phases address the

identified differences from the TAN, including the provision of one bedroom homes and the appropriate balance between affordable rented and shared ownership housing.

- 5.2.12 Subject to the whole scheme housing mix condition, the development would provide an acceptable range of market and affordable homes and would accord with the TAN, the LHNA and Policy H2 of the LDP.

5.3 Design, Layout and Quality of Accommodation

- 5.3.1 Policies D1, H4 and S1 of the LDP and Policies DP3, DP4 and L3 of the NPPF seek to ensure that new development is well designed, responds positively to its surroundings and creates safe, inclusive and attractive places. Development should make efficient use of land while providing a coherent arrangement of buildings, streets, open spaces, landscaping and pedestrian routes. It should also safeguard the living conditions of existing and future occupiers and provide an appropriate standard of private and communal amenity space. The Maldon District Design Guide and Essex Design Guide provide further guidance on layout, movement, built form, landscape structure, parking and the relationship between public and private space. LDP Policy H3 additionally supports the provision of accessible and adaptable accommodation capable of meeting specialised housing needs.

Phase 1

- 5.3.2 The proposed layout of the full permission phase is structured around a connected hierarchy of streets and pedestrian routes, effectively as an extrusion of the existing Corinthian Way scheme to the east. The principal routes provide clear and legible movement through the development, with shared surfaces and private drives creating lower-speed, more informal residential environments. Pedestrian connections are incorporated throughout the layout and link the residential areas with the proposed open spaces and wider green infrastructure.
- 5.3.3 The proposed dwellings are principally arranged as outward facing perimeter blocks. As with Corinthian Way, this approach defines the street edges, establishes a clear distinction between public and private space and allows the principal elevations of dwellings to address streets, pedestrian routes and areas of open space. The arrangement would provide natural surveillance of the public realm and avoid extensive areas of exposed rear boundaries adjoining important routes and open spaces. The predominantly two storey scale would establish a coherent residential character, consistent with the existing development to the east.
- 5.3.4 The layout incorporates areas of open space and landscaping as integral components of the scheme rather than as residual areas around the housing. The greenway provides an important landscape and movement corridor through the development. Where this route crosses internal streets, its design should maintain pedestrian priority and provide a clear, safe and legible continuation of the green infrastructure. The detailed design of these crossing points can be secured through the relevant highway, landscape and public realm conditions.
- 5.3.5 Parking and servicing arrangements are distributed across the development in a manner that supports the proposed street hierarchy. Refuse and cycle storage provision, boundary treatments and landscaping are carefully integrated so that they remain convenient for occupiers without becoming visually dominant within streets or areas of public realm.
- 5.3.6 The proposed layout provides an acceptable relationship between dwellings, including appropriate separation, outlook and private amenity space. The detailed phase would

therefore provide a suitable living environment for future occupiers. Conditions relating to finished floor and ground levels, facing materials, boundary treatments, external lighting, refuse and cycle storage, parking, landscaping and accessible and adaptable housing would ensure that the design quality shown in the submitted material is carried through to construction and occupation.

- 5.3.7 Essex Police Designing Out Crime has been consulted on the proposed scheme and has requested continued engagement during its detailed development and implementation. Its advice emphasises the importance of natural surveillance, secure cycle and refuse storage and the creation of safe and well-overlooked public spaces. These principles are reflected in the general arrangement of the detailed layout, and no final objection has been raised on urban-design or crime-prevention grounds. Continued engagement and appropriately worded conditions would allow the relevant security measures to be incorporated without undermining the appearance or accessibility of the scheme.

Phase 2

- 5.3.8 The outline element does not seek approval for the detailed layout, scale, appearance or landscaping of the future development parcels. Its acceptability must therefore be considered by reference to the submitted parameter plans and the controls that would apply to subsequent reserved matters applications.
- 5.3.9 The land use, movement, density and building height parameters plans submitted with the application establish a framework within which the outline phase would be developed. Together, these plans identify the broad distribution of development, intended connections between different parts of the site, the range of residential densities and the limits on building heights. They also provide the basis for retaining a coherent landscape and movement structure as individual parcels are brought forward.
- 5.3.10 The parameters plans are sufficiently clear to demonstrate that the outline phase could accommodate residential development without prejudicing the delivery of connected streets, pedestrian routes, open space and green infrastructure – including the creation of a new bridleway to the western boundary of the site. The proposed density range would allow different parts of the site to respond to their position within the wider masterplan, including the character of principal routes, residential streets and edges adjoining open space. The height parameters would similarly allow appropriate variation while ensuring compatibility with the predominantly low-rise character established by the detailed phase.
- 5.3.11 The final acceptability of the outline phase layout and the living conditions of future occupiers would be assessed through the reserved matters process. This would include detailed consideration of dwelling orientation, separation distances, privacy, outlook, daylight, private amenity space, accessible and adaptable accommodation, parking and the relationship between buildings and public open space. Compliance with the approved parameters and design code would provide a robust basis for those subsequent assessments.

Summary

- 5.3.12 The full phase would result in a well connected residential layout, consistent with the existing Corinthian Way development, with outward facing perimeter blocks, well-overlooked streets and open spaces, a clear movement hierarchy and an integrated landscape structure. The detailed plans demonstrate that the proposed density can be accommodated while providing appropriate parking, private amenity space and relationships between dwellings. Detailed information relating to materials, levels, boundaries, lighting, refuse and cycle storage, parking, accessibility and detailed landscaping can be adequately controlled by condition.

- 5.3.13 The outline phase is supported by land-use, movement, density and height parameters that provide a sufficiently robust framework for future development. Subject to compliance with those parameters, the approval of a comprehensive design code and the detailed assessment of each reserved-matters submission, the outline phase is capable of delivering a coherent and high-quality extension to the detailed scheme.
- 5.3.14 The proposal would therefore provide an acceptable design framework and a satisfactory standard of accommodation. Subject to the identified conditions and subsequent reserved-matters controls, it accords with Policies D1, H3, H4 and S1 of the LDP and the relevant national and local design guidance.

5.4 Landscape and Visual Impact

- 5.4.1 LDP Policies D1, S1, S6, N1 and N3 require development to respond to landscape character, create an integrated settlement edge and provide multifunctional green infrastructure. NPPF policies N2 and DP3 require development to protect and enhance landscape character and establish a strong, context-responsive landscape framework. The site has no national or local landscape designation, but its open arable character and views from rights of way are material considerations.
- 5.4.2 The combined development would permanently replace agricultural fields with housing, roads and open space. The scheme retains most boundary vegetation and the central hedgerow, provides northern and western buffers, a green corridor along Footpath 3-242, SuDS planting and a northern entrance green. Phase 1 of the scheme provides detailed hard and soft landscape proposals reflective of the existing development at Corinthian Way. The parameter plans associated with the outline Phase 2 propose a broad landscape buffer with bridleway to the western side of the site along with an indication of green links into Phase 1 and existing footpath infrastructure.
- 5.4.3 A Landscape and Visual Assessment prepared by Liz Lake Associates, dated December 2025, accompanies the application. It describes the site as three arable fields with well-vegetated boundaries and a central north-south hedgerow followed by Footpath 3-242. The site is not subject to a landscape designation; the applicant assesses it as a landscape of medium value.
- 5.4.4 The applicant's assessment considers the detailed and outline phases together. Its embedded mitigation retains the principal boundary and central vegetation, provides a wide native-planted western buffer and recreational route, introduces street trees, green spaces, a community orchard and planted SuDS basins, and reduces density towards the western edge. It predicts an overall slight adverse landscape effect on completion, reducing to negligible in the long term as planting establishes. Visual effects are greatest for close receptors, including users of the PRoW and the railway crossing, where substantial-to-moderate effects are predicted and may remain at year 15; effects from more distant viewpoints are predicted to reduce to slight, negligible or no change.
- 5.4.5 The Council commissioned Open Spaces Landscape and Arboricultural Consultants Ltd to undertake an independent review of the Landscape and Visual Assessment. The review was informed by a site inspection undertaken with Council officers and considered the combined effects of the detailed and outline phases.
- 5.4.6 The review accepts that the retained boundary and central hedgerows, buffers and new planting reduce wider effects and that the new residential character can become commensurate with the adjoining urban area as planting matures. In their response, Open Spaces suggest that an uninterrupted greenway should be provided with pedestrian priority, and that the green circular route proposed by the outline scheme is delivered early during the overall development process. Suggestions were also made in relation to

the careful design of landscaping near the railway crossing/viewpoint 2, and provision of photomontages from viewpoints 2 and 16 to assist officers and members in their decision making.

- 5.4.7 Public representations have been received raising concerns over the potential urbanisation of the settlement edge, the loss of rural views and the effect on walkers using the PRow across the site. It is accepted that some effects in this regard cannot be eliminated, since there will be substantial change within the site and some adverse views during construction and before planting matures. However, it is considered that the proposed scheme incorporates sufficient mitigation through landscaping and detailed design (along with retained vegetation, substantial open space and additional planting throughout) to reduce any effect to an acceptable level. The introduction of a green corridor and bridleway around the western edge of the site would provide an additional walking route for residents over and above the existing PRow that traverses the site.
- 5.4.8 Officers therefore concur with the external landscape consultant's assessment and consider the proposed development to be acceptable in landscape terms, subject to appropriate conditions requiring submission of additional landscaping details to secure the creation of a "greenway", the railway-edge transition, replacement of and long-term management controls. The scheme would therefore accord with Policies D1, S6, N1 and N3 of the LDP.

5.5 Layout and Design

Full Permission Phase

- 5.5.1 The detailed first phase comprises 170 dwellings on the eastern part of the site, adjoining Corinthian Place. Its primary and secondary streets, perimeter blocks, private drives and shared surfaces continue the established movement and built-form pattern to the east while creating new pedestrian and cycle connections. Buff and red brick, render and slate-grey or terracotta roof materials reflect the adjoining development without requiring exact replication.
- 5.5.2 The dwellings are predominantly two storeys, with one and one-and-a-half-storey development at the northern edge where the scheme is closest to existing homes. The layout retains the PRow and the principal north-south hedgerow and vegetation line as a green corridor, integrates SuDS and play space, and uses streets and open space to provide surveillance and legibility. The central and eastern density of approximately 30-35 dwellings per hectare provides an efficient but appropriately suburban form.

Outline Permission Phase

- 5.5.3 The outline phase allows up to 190 dwellings on the western part of the site and retains the south-eastern employment land. Its land-use, movement, density and height parameter plans continue the connections established by the detailed phase, retain important hedgerows and provide further links towards Ferry Road and Creeksea Lane. The lower density of approximately 25-30 dwellings per hectare and substantial native landscape buffer, bridleway and recreational route along the western edge provide a transition to the open countryside.
- 5.5.4 Detailed layout, appearance, scale and landscaping will be determined through a design code and reserved matters. Those controls must secure the western buffer early, maintain the PRow and uninterrupted north-south greenway, coordinate the phase boundary and provide a compatible building-height, street and landscape hierarchy.

Layout and Design Summary

- 5.5.5 The detailed layout provides an acceptable continuation of Corinthian Place, and the outline parameters establish a coherent framework for the later phase. Subject to the design code, reserved matters, materials, levels, boundary, landscape and phasing conditions, the two phases would function as a single well-designed extension while providing an appropriate transition to the countryside.

5.6 Heritage and Archaeology

- 5.6.1 Policy D1 of the LDP and policies HE4, HE5, HE6, HE7, HE9 and HE10 of the NPPF require heritage significance to be understood and conserved in a manner proportionate to its importance. Where a site may contain archaeological interest, a programme of investigation, recording, analysis, publication and archive deposition may be required. The level of control must reflect the potential significance and ground disturbance.
- 5.6.2 The site contains no designated heritage assets, and the built heritage statement identifies no unacceptable setting effect. The archaeological desk-based assessment identifies high potential in some areas for Palaeolithic remains and moderate-to-high potential for Bronze Age, Iron Age and Roman activity, consistent with nearby evidence of settlement, field systems and salt working.
- 5.6.3 Place Services Archaeology has been consulted and generally concurs with the assessment. It requests a five-part phased programme: an approved Written Scheme of Investigation (WSI), completion of trial trench evaluation, a mitigation WSI, completion of fieldwork in areas containing remains, and a post-excavation assessment/updated project design leading to analysis, archive and publication.
- 5.6.4 Public comments in relation to heritage refer broadly to the historic rural character of the area rather than identifying a specific designated asset effect. The landscape section of the report addresses this aspect of character change.
- 5.6.5 The proposal would not harm the significance or setting of a designated heritage asset. The archaeological potential of the site can be investigated, recorded and, where necessary, mitigated through the phased programme requested by the Council's archaeological adviser. Subject to those pre-commencement conditions applying to both phases, heritage and archaeological interests would be conserved proportionately and the proposal would accord with Policy D1 and NPPF policies HE4, HE5, HE6, HE7, HE9 and HE10.

5.7 Open Space, Play and Green Infrastructure

- 5.7.1 Policies N1 and N3 of the LDP seek a connected green-infrastructure network and adequate accessible open space, sport and play. Policy S6 expects green infrastructure to form an integral part of the strategic allocation. NPPF policies HC3, HC4, DP3 and N2 support healthy places, safe walking routes and multifunctional land providing recreation, habitat, drainage, cooling and landscape benefits.
- 5.7.2 Approximately 5.12 hectares of green space is identified across the development, including play areas, green corridors, SuDS, retained hedgerows, landscape buffers and a circular recreational route linked to Riverside Park. The full phase has detailed landscape and play proposals; the outline phase will deliver the western buffer, bridleway and further open space through reserved matters and phasing controls.
- 5.7.3 The external landscape review considers that the retained and proposed green infrastructure would provide landscape mitigation, while recommending an uninterrupted greenway, early delivery of structural planting and further refinement around the railway crossing and western buffer. The Ramblers Association has no objection in principle but

seeks safe, dry and uninterrupted rights of way during and after construction. The HRA evidence also relies on the quality, accessibility and long-term management of the recreational network.

- 5.7.4 Public objections contend that the green space is insufficient or could be eroded by later phases. Officers note that the approved parameters plans, Section 106 provisions and conditions would require defined areas and facilities to be delivered before occupation thresholds and retained.
- 5.7.5 Overall, it is considered that the quantity of open space provision across the site, and the framework through which it is delivered in the proposed phasing, is acceptable. Early structural planting, the greenway, play provision, public access, management and HRA features will be secured across both phases via appropriate conditions and planning obligations. Subject to those controls, the proposal accords with Policies N1, N3, S6 and I2.

5.8 Amenity Impacts

- 5.8.1 Policy D1(4) of the LDP requires development to protect the amenity of surrounding areas, having regard to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide. Policy H4 requires density to be considered alongside neighbouring amenity, while NPPF policies P3 and P4 require acceptable living conditions and apply the agent-of-change principle.

Daylight, Sunlight, Outlook and Privacy/Overlooking

- 5.8.2 The detailed first-phase layout uses streets, private gardens, landscape areas and the retained north-south vegetation corridor to separate new dwellings from existing homes and from one another. The scale is predominantly two storeys, reducing to one and one-and-a-half storeys near existing development at the northern edge. The submitted layout provides conventional relationships and does not indicate material loss of daylight, sunlight, outlook or privacy to existing or future occupiers.
- 5.8.3 Layout, scale, appearance and landscaping for the outline phase remain reserved. The parameter plans, density range and landscape buffers provide sufficient scope to achieve acceptable relationships, with detailed separation, window positions, levels and boundary treatment to be tested at reserved matters stage.

Noise

- 5.8.4 The Noise and Vibration Assessment submitted with the application finds that external amenity areas generally meet BS 8233:2014 guideline values and that acceptable internal conditions can be achieved through standard glazing and appropriate ventilation. Measured vibration from the railway is below the “low probability of adverse comment” threshold. The assessment also defines facade noise limits so that future operations on the retained employment land remain compatible with new homes.
- 5.8.5 Environmental Health has been consulted and raises no objection subject to construction working hours, construction noise and vibration controls and compliance by future employment-land plant with the specified facade limits. Public comments describe prolonged noise, vibration and HGV disturbance during construction. Those effects are material but temporary and can be controlled through the Construction Environmental Management Plan, routing, working-hour and monitoring conditions.

Smell and Pollution

- 5.8.6 The Air Quality Assessment predicts concentrations of nitrogen dioxide and particulates below national objectives and no significant operational effect from development traffic. It identifies a medium-to-high construction dust risk, requiring Institute of Air Quality Management mitigation. The geo-environmental assessment, based on intrusive investigation and chemical testing, identifies negligible contamination, groundwater and ground-gas risk; an unexpected-contamination condition remains appropriate.
- 5.8.7 Environmental Health's requested Construction Environmental Management Plan includes dust suppression and monitoring, wheel washing and mud prevention, pollution controls for fuels and chemicals, delivery and HGV routing, compound arrangements and temporary lighting. No evidence identifies an unavoidable odour or pollution effect from the development, while any future employment use must remain compatible with the neighbouring housing.

Impact on Amenity Summary

- 5.8.8 Subject to the Environmental Health conditions, the detailed layout would provide acceptable permanent living conditions, and the outline phase can do likewise through its reserved matters. The proposal would not expose existing or future occupiers to unacceptable amenity or pollution effects and would therefore accord with LDP Policies D1, D2 and H4.

5.9 Transport, Access and Highway Safety

- 5.9.1 Policies T1 and T2 of the LDP and NPPF policies TR3, TR4 and TR6 require development to be focused in sustainable locations and to provide safe and suitable access for all users. Refusal on transport grounds is appropriate only where there would be an unacceptable impact on highway safety or a severe residual cumulative impact on the road network. Policy S6 requires the strategic growth area to provide transport improvements, while parking and street design must support accessible and safe movement.
- 5.9.2 ECC Highways had originally objected to the proposals – in terms of technical details at the main junction with Maldon Road, and the potential impact of the development taking into account other development and cumulative impacts along Lower Burnham Road to the west of Burnham-on-Crouch. Following a number of meetings and discussions between the applicant and ECC Highways, an additional technical note has been submitted seeking to address the technical details, and to propose junction improvements at Lower Burnham Road/Fambridge Road. At the time of writing this report, ECC Highways have confirmed that the proposed improvements at Maldon Road are acceptable in principle but have asked for some final information in relation to the North Fambridge junction improvement scheme, which can be agreed through planning condition if necessary, or outside of Planning legislation through a s278 agreement under the Highways Act.

Access

- 5.9.3 Vehicular access would be taken through the adjoining Corinthian Place street network to Maldon Road, with pedestrian and cycle connections to the surrounding development and rights of way. The updated modelling treats the Endeavour Way/Maldon Road approach as a single lane and indicates that the site-access junction would remain within capacity in the 2030 development scenario. A new zebra crossing on Maldon Road, the Stage 1 road-safety audit and the detailed access works would be secured through a Section 278 agreement and associated planning conditions.

Highway Capacity

- 5.9.4 The amended transport information corrects the Endeavour Way model coding to a single lane, recalibrates Maldon Road/Church Road, proposes priority junction mitigation and identifies a two lane approach/widening solution at the B1010/B1012/Fambridge Road junction. The additional information also includes a Stage 1 road safety audit and designer responses, a new Maldon Road zebra crossing, internal parking and turning changes and delivery through Section 278 Works.
- 5.9.5 The North Fambridge junction is approximately six miles west of the site, but it lies on the B1010/B1012 corridor used by a significant proportion of westbound traffic generated by the development. ECC's initial response requested that the applicant consider the junction's capacity and safety impacts. The applicant's additional information identifies existing and future capacity pressure and proposes widening the Fambridge Road northern arm to provide two approach lanes and additional storage. Updated modelling indicates that the junction would remain over capacity in the 2030 morning peak, but that the works would offset the development's additional effect and produce a position better than the unmitigated future baseline. Because the works are remote from the application site but within the public highway, their detailed design, land requirements, safety audit, funding and occupation trigger must be secured as mitigation through an off-site section 278 agreement under the Highways Act.

Parking

- 5.9.6 The amended detailed layout provides car parking, cycle parking, turning and refuse access for the 170-home first phase. The parking and street arrangement is internally coordinated and can comply with the adopted standards, subject to implementation of the approved plans and provision before occupation. Parking and internal street details for the outline phase will be determined through the design code and reserved matters, with equivalent standards and accessible provision required.

Transport Summary

- 5.9.7 Based upon the technical evidence submitted as part of the application (and updated following discussions), officers are satisfied that the development can be accessed safely and would not result in a severe residual cumulative impact. Detailed parking and internal access arrangements are also acceptable. Subject to formal final confirmation from ECC Highways in relation to the technical design of both junctions, and the provision of a condition requiring completion of a section 278/Section 106 delivery and the conditions, the proposal accords with LDP Policies T1, T2 and S6.

5.10 Active Travel, Public Rights of Way and Railway Safety

- 5.10.1 LDP Policies T1, T2, S6 and D1 require inclusive walking and cycling connections, protection and enhancement of rights of way and safe interaction between movement modes. Railway operational safety is a material consideration. Mitigation on third-party land must be demonstrably deliverable; financial contributions must meet the statutory planning obligation tests.
- 5.10.2 The movement strategy provides five eastern permeability connections, north-western and south-western links towards Ferry Road and Creeksea Lane, improvements to Route 3, the Maldon Road zebra crossing and a detailed residential travel plan. Footpath 4 is retained through the site and the north-south greenway ensures pedestrians priority over internal traffic across the site.

- 5.10.3 Active Travel England was consulted and initially deferred its position pending stronger accessibility, route and mode-shift evidence. The amendments and Technical Note respond to the points, and at the time of writing it is understood that an updated response confirming acceptability of the scheme will be issued imminently. Officers therefore consider that this objection is capable of being resolved concurrent with the S106 agreement being finalised (and prior to issue of any planning permission). It is noted also that the Ramblers Association have no objection in principle subject to safe routes.

Railway Crossing

- 5.10.4 Network Rail have objected to the proposal, on the basis that its preferred course of action for the existing crossing would be to divert the PRow westwards to link to Ferry Road at the railway bridge, pass beneath, and then return eastwards back to the original route. This would remove any potential risk to life at the site. In the event the diversion of the PRow and closure of the crossing were not achievable, Network Rail have acknowledged that the installation of a miniature stop light system (similar to that at Foundry Lane) would improve pedestrian safety at the site to an acceptable level.
- 5.10.5 It is understood from Network Rail that the crossing has been identified as requiring safety improvements or closure for some time, but any progress in relation to the site is not anticipated during the current work cycle (up to 2029). Network Rail maintains that it would prefer closure/diversion because that alone removes risk entirely – however correspondence does confirm that a miniature stop light system would be a fall back position should diversion not be achievable, and that such a system would require a contribution for a developed capital and operating/renewal cost basis. ,
- 5.10.6 Public comments have expressed concerns about increased crossing use and the safety of cycling/walking on rural routes. Officers agree that the crossing effect requires mitigation. Closure, as proposed by Network Rail, would depend on land, gradients, surfacing, drainage, return-route arrangements, support from interested parties and third-party land owner agreements and is considered unlikely to be achieved. A miniature stop light system is therefore the best proportionate and deliverable approach, although it reduces rather than eliminates risk.
- 5.10.7 The applicant has proposed a financial contribution to cover the cost of installing miniature stop lights of £325,500 – this is based upon the previously requested contribution in 2023 (plus indexation). The final cost, indexation, recipient, operating/renewal element, payment trigger and delivery mechanism must be agreed with Network Rail and secured before permission issue is issued. Subject to agreement on the final amount, together with the active-travel improvements and route conditions, officers consider the proposal acceptable under Policies T1, T2, S6 and D1.

5.11 Drainage and Flood Risk

- 5.11.1 LDP Policy D5 and NPPF policies F4, F7 and F8 require development to be safe for its lifetime without increasing flood risk elsewhere, to give priority to sustainable drainage and to make suitable maintenance arrangements. Policies D2 and I1 and NPPF policy CC3 require utility and environmental infrastructure to support climate-resilient development without unacceptable pollution or service effects.

Tidal and Fluvial Flood Risk

- 5.11.2 The Flood Risk Assessment submitted with the application identifies that the site lies within Flood Zone 1, where the annual probability of river or sea flooding is less than 0.1%. Most of the developable area is also at very low surface-water flood risk, with mapped areas of greater risk following the existing ditch network. The proposed

residential use is therefore appropriate in sequential terms, with finished floor levels raised near the ditch network as part of the detailed design.

Surface Water Drainage

- 5.11.3 Infiltration testing carried out as part of the technical studies for the development has confirmed that soakaway drainage is not feasible across the site. The Flood Risk Assessment (as updated by a supplementary technical note), proposed the use of lined permeable paving, tree pits, attenuation tanks and planted basins to collect, treat and store runoff before controlled discharge. The proposed system would be designed for one-in-100-year events with a 45% climate-change allowance. Hydraulic modelling submitted as part of the scheme records a maximum 2.1 litres per second discharge from Basin 1 during the critical event, below the 2.2 litres per second allowable rate.
- 5.11.4 The Lead Local Flood Authority has considered the revised evidence and raises no objection subject to appropriate conditions requiring the implementation of the approved strategy, details of construction run-off and pollution controls, and submission of a maintenance plan and annual maintenance records.

Foul Drainage

- 5.11.5 Foul drainage would connect to the public sewerage network. Anglian Water's consultation identifies capacity at the receiving water recycling centre and requires the connection, and any network works to proceed through the separate statutory sewerage regime. Phase specific foul drainage details would be subject to the submission of details by way of condition (to be secured for prior to occupation of each dwelling).

Drainage Infrastructure

- 5.11.6 Anglian Water initially raised concerns regarding the relationship between the proposed basin near plot 145 and its 1050 mm surface-water sewer. The submitted survey shows 7.18 metres between the basin and the sewer centreline. Following provision of further information, Anglian Water's drainage engineer confirmed that the clearance is acceptable, raised no objection and advised that an Asset Protection Enquiry is not required. Essex & Suffolk Water has separately issued a bulk-supply offer for whole site provision.

Drainage Summary

- 5.11.7 The development is acceptable in flood-risk and drainage terms subject to the LLFA wording and the phase-specific foul/water controls. It accords with Policies D2, D5 and I1.

5.12 Ecology and Habitats Regulations

- 5.12.1 Policies N1 and N2 protect designated sites, priority habitats and species and require ecological enhancement. Under the Conservation of Habitats and Species Regulations 2017, the Council must ascertain through Appropriate Assessment that the proposal would not adversely affect the integrity of the Crouch and Roach Estuaries SPA and Ramsar site, alone or in combination.
- 5.12.2 The applicant has provided detailed information in relation to ecology and habitats, including a winter-bird survey and shadow HRA. The survey records local importance for snipe, lapwing, corn bunting, skylark and yellowhammer and proposes retained/strengthened hedgerows, winter seed-crop measures, bird-sensitive SuDS habitat, nesting-bird controls and species safeguards. The HRA identifies approximately 5.1 hectares of high-quality greenspace, a 2.7 km Riverside Park loop, information/signage, dog-management features and the Essex Coast RAMS tariff.

- 5.12.3 Place Ecology's March holding objection concerned functionally linked land, winter birds, skylark and mitigation. Natural England's April response also sought winter-bird and HRA evidence and questioned the recreational mitigation. The later documents respond substantively and record engagement on high-quality greenspace with SANG characteristics. It is understood from both consultees that the additional information has addressed initial concerns and that confirmation of withdrawal of these objections will be submitted in due course. Officers consider that this matter is capable of being resolved under delegated powers concurrent with the S106 agreement being finalised (and prior to issue of any planning permission).
- 5.12.4 Officers consider that the evidence is sufficient for the Council to complete an Appropriate Assessment concluding no adverse effect on integrity, provided the on-site measures and RAMS contribution are secured. Subject to the ecological conditions and S106 obligations it is considered that the proposal accords with Policies N1 and N2 and the Habitats Regulations.

5.13 Biodiversity Net Gain (BNG)

- 5.13.1 Schedule 7A to the Town and Country Planning Act 1990 applies a statutory biodiversity gain condition requiring at least a 10% gain. Because the permission allows phased development, an Overall Biodiversity Gain Plan must be approved before any development begins and a Phase Biodiversity Gain Plan before each phase. Significant on-site gains must be maintained for at least 30 years. Policy N2 supports measurable enhancement in addition to protected-site mitigation.
- 5.13.2 The submitted statutory metric has a 20.87-hectare baseline and predicts 52.52 post-development area-habitat units against 45.91 baseline units: a gain of 6.61 units or 14.39%. Hedgerow units increase from 14.83 to 17.91: a gain of 3.08 units or 20.74%. Trading rules are satisfied, and no off-site units are currently required. The principal significant habitats include other neutral grassland, species-rich native hedgerows with trees, mixed scrub and urban trees.
- 5.13.3 Place Ecology has reviewed the metric and confirms that it contains sufficient application-stage information. An Overall and Phase Biodiversity Gain Plan and a Habitat Management and Monitoring Plan have been requested, with monitoring in years 1, 3, 5, 10, 15, 20, 25 and 30 and remedial or adaptive management where required.
- 5.13.4 The submitted BNG strategy exceeds the statutory objective and is considered acceptable subject to the phased statutory condition, HMMP and associated obligations. The proposal therefore accords with Policy N2 and the statutory BNG legislation requirements.

5.14 Trees and Arboriculture

- 5.14.1 Policies D1 and N2 require development to retain important trees and hedgerows where practicable and provide replacement planting where loss is justified. BS 5837 provides the recognised framework for construction near retained trees.
- 5.14.2 Three individual category-C trees and parts of five category-C groups would be removed. Category-A tree T6, category-B group G19 and several other retained specimens have root-protection-area interfaces requiring precautionary or engineered methods. The landscape package provides substantial replacement tree and hedgerow planting across the development in both phases.
- 5.14.3 Place Services Arboriculture has been consulted and raises no objection, subject to a condition requiring a final Arboricultural Method Statement, including drainage/service

routes and hard surfaces, together with tree protection retained until construction equipment and surplus materials are removed.

- 5.14.4 Public representations have raised concerns regarding the loss of established vegetation and screening at the site. Officers note that the removed specimens/groups are of low quality, and that important vegetation to the centre of the site and to the boundaries is retained, along with substantial replacement planting which will increase long-term canopy cover. The landscaping conditions proposed and HMMP would also address failure during the establishment period.
- 5.14.5 Subject to the above conditions it is considered that the arboricultural effects of the development are acceptable and therefore the proposal accord with Policies D1 and N2 in this regard.

5.15 Education, Health and Community Infrastructure

- 5.15.1 The proposed development would increase demand for education, health, waste and community services. Policies I1, I2, E3 and E6 of the LDP require development to provide or fund the infrastructure necessary to support the population it generates. Any obligation must meet the statutory tests of necessity, direct relationship and fair and reasonable scale and kind.

Education

- 5.15.2 ECC has been consulted and estimates that the development would generate 40.9 early-years and childcare places, 102.3 primary places, 68.2 secondary places and 6.4 SEND places. Local early-years provision has limited capacity, and the two Burnham primary schools were recorded as full or above capacity. ECC therefore seeks £836,814 for early years, £2,092,035 for primary education and £665,374 for SEND, each indexed from Q1 2025 and adjusted through formulae for the final dwelling mix. Sufficient secondary capacity is forecast, so no secondary or school-transport contribution is sought.

Health

- 5.15.3 The East of England Ambulance Service NHS Trust has been consulted and seeks a capital contribution towards works at Chelmsford Ambulance Hub, together with public-access defibrillator provision. Its requested £127,445 is calculated using 359 dwellings at £355 per dwelling and must therefore be reconciled with the permission's maximum of 360 dwellings. The number and location of defibrillators, ownership, maintenance and the indicated cost of approximately £10,500 per device must also be agreed.
- 5.15.4 Confirmation is being sought from the NHS Trust in relation to the required contribution towards existing care services in the local area – this is understood to be approximately £252,400. The final amount will be report to members prior to committee.

Community Infrastructure

- 5.15.5 ECC also seeks £39,594.11 for library services, calculated at £110.29 per dwelling and indexed from November 2025, to improve facilities and extend mobile and outreach provision. A Construction Employment and Skills Plan is requested to maximise local labour, apprenticeship and skills opportunities. ECC's monitoring charge is £750 per obligation, or a bespoke charge for a large development, and must be structured so that monitoring is proportionate and not duplicated.

Infrastructure Summary

- 5.15.6 Public objections refer to pressure on schools, the GP surgery, hospitals, ambulance response, waste and community facilities. The quantified requests above address the development-specific effects evidenced by the relevant service providers. A general contribution cannot be imposed simply to address an existing deficit unrelated to the development. Subject to final Regulation 122 and legal sign-off, the infrastructure package is capable of making the development acceptable and accords with Policies I1, I2, E3 and E6.

5.16 Climate Change, Energy and Resource Efficiency

- 5.16.1 Policies D2 and D4 of the LDP and NPPF Policies CC2, CC3, DP3, TR3, TR4 and F8 seek to ensure that development responds appropriately to climate change. New development should reduce energy and water consumption, make efficient use of resources and be capable of adapting to changing climatic conditions. It should also support sustainable forms of travel, provide green infrastructure and incorporate sustainable drainage measures. Planning conditions should address matters that are relevant to land use planning without unnecessarily duplicating the requirements of the Building Regulations.
- 5.16.2 The proposal would form a relatively compact urban extension adjoining the settlement of Burnham-on-Crouch. Its location and layout provide opportunities for journeys to be made on foot and by bicycle, supported by connections through the site and the measures contained within the Travel Plan. The proposed landscaping layouts, tree planting, open spaces and sustainable drainage systems would also assist with climate adaptation by managing surface water, providing shade and supporting biodiversity.
- 5.16.3 The submitted energy strategy applies the energy hierarchy, beginning with measures intended to reduce energy demand through the design of the buildings. The detailed phase incorporates approved house types and construction standards intended to limit heat loss and make efficient use of energy and water.
- 5.16.4 Supporting information submitted with the application explains that passive design measures have informed the treatment of glazing. The proposed glazing specifications and solar control values would respond to the orientation of the dwellings, allowing useful solar gain during colder periods while limiting excessive heat gain during the summer. The dwellings would also be required to comply with Part O of the Building Regulations, which addresses the risk of overheating and seeks to reduce reliance on mechanical cooling.
- 5.16.5 Equivalent principles should inform the future design of the outline phase 2 and be demonstrated through the relevant reserved matters submissions and any design controls secured by condition. This should include consideration of building orientation, passive design, overheating, energy demand, water consumption, landscaping and the relationship between buildings, streets and open spaces.
- 5.16.6 The Council's Environmental Health team has been consulted on the proposed development and has advised that dust, noise, vibration and other sources of pollution arising during construction should be controlled through a Construction Environmental Management Plan. Such a plan would establish the measures required to limit the effects of construction on neighbouring occupiers and the wider environment. This is a conventional and proportionate means of controlling the temporary environmental effects of a development of this scale.
- 5.16.7 Public representations have raised concerns regarding carbon emissions during construction, the loss of agricultural land, the ability of the development to respond to climate change and the potential for future residents to remain reliant on private cars. A

development of this nature would inevitably result in embodied carbon from construction and operational emissions from the occupation of the dwellings. The loss of agricultural land is considered as part of the wider principle of development and planning balance. In climate terms, the allocated location of the site, together with the proposed green infrastructure, walking and cycling routes, sustainable drainage measures, energy controls and Travel Plan, would provide proportionate mitigation.

- 5.16.8 The proposal therefore incorporates appropriate measures to reduce energy and resource use lower carbon travel and improve resilience to future climatic conditions. Subject to the identified conditions and transport obligations, the development would provide an acceptable response to climate change and resource efficiency and would accord with Policies D2 and D4 of the LDP.

5.17 Other Matters

- 5.17.1 The Town and Country Planning (Environmental Impact Assessment) Regulations require screening where a project may be EIA development. The Council screened a materially equivalent project of up to 360 dwellings under reference 25/00746/SCR and concluded on 3 September 2025 that EIA was not required. The current hybrid proposal remains within that scale, and no new characteristic or effect has been identified that would alter the conclusion.

5.18 Planning Obligations

- 5.18.1 The applicant has confirmed a willingness to enter into a Section 106 agreement in order to secure appropriate planning obligations required as part of the proposed development. The agreement must satisfy Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and be completed before the decision is issued. The required heads of terms comprise:
- Affordable housing, including 40% on-site provision, 68 of the 170 detailed-phase homes and up to 144 homes overall, with the agreed tenure, transfer, nomination, clustering and occupation controls.
 - Education contributions, subject to the final dwelling mix and indexation:
 - £836,814 for early years and childcare, indexed from Q1 2025.
 - £2,092,035 for primary education, indexed from Q1 2025.
 - £665,374 for SEND provision, indexed from Q1 2025.
 - A library contribution of £39,594.11, indexed from November 2025, subject to final legal and Regulation 122 confirmation.
 - The agreed highway and active-travel package, including the necessary section 278 works, the Maldon Road crossing, North Fambridge junction improvements, Route 3 and permeability improvements, Travel Plan obligations and monitoring, subject to the final ECC Highways and Active Travel England positions.
 - Contribution towards installation of a miniature stop light package at Creeksea Place level crossing, including design, installation, operation, renewal and maintenance. The applicant's proposed £325,500 sum remains to be confirmed with Network Rail.
 - The Essex Coast RAMS tariff and the on-site recreational, information, signage, dog-management and long-term management measures relied upon in the Appropriate Assessment.
 - Provision, public access, phasing and long-term management of open space, play areas, structural planting, the greenway and other landscape features across both phases.

- Any legal security required for significant on-site biodiversity gains, together with the 30-year Habitat Management and Monitoring Plan, without double counting HRA or ordinary landscape mitigation.
- A Construction Employment and Skills Plan and proportionate monitoring arrangements, avoiding duplicate charges.

5.19 Planning Balance

Presumption in Favour of Sustainable Development

- 5.19.1 The application site lies outside the defined settlement boundary of Burnham on Crouch and is not allocated for development within the LDP. The proposal therefore conflicts with Policy S8. However, at this location the site is well connected and physically well related to the settlement. It adjoins the existing Corinthian Way development and would connect with the surrounding road, walking and cycling networks, providing links to the wider settlement. Therefore the presumption in favour of sustainable development applies here in accordance with the requirements NPPF policy S3 and LDP policy S1.
- 5.19.2 The Council cannot demonstrate a 5YHLS. NPPF Policy S5(1)(j) supports development outside settlements where it would address an evidenced unmet need, is physically well related to an existing settlement and is of a scale that can be accommodated by existing or proposed infrastructure. Given the site's relationship with Burnham on Crouch and the highway, drainage and other infrastructure measures proposed, it is considered that the development meets these requirements.
- 5.19.3 The proposal therefore falls within the category of development supported by Policy S5(1)(j). It should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies in the NPPF. The conflict with Policy S8 and the effects of extending development into the countryside must be weighed against the delivery of market and affordable housing and the other benefits of the scheme in the overall planning balance.

Benefits of the Proposal

- 5.19.4 The following are treated as benefits of the development. Measures required only to mitigate the scheme's own effects, including infrastructure contributions, are not counted as separate benefits.
- **Social Benefits**
 - The delivery of up to 360 dwellings, including a detailed first phase capable of contributing to supply in the short term, attracts substantial positive weight in a district without a five-year housing land supply.
 - The provision of 40% affordable housing - 68 homes in the detailed phase and up to 144 homes overall - exceeds the adopted 30% requirement and attracts significant positive weight.
 - Approximately 5.12 hectares of publicly accessible green space, play areas and recreational routes would benefit future occupiers and the wider community. This attracts moderate positive weight.
 - **Economic Benefits**
 - Construction would support direct and supply-chain employment and the Employment and Skills Plan would improve access to those opportunities. Because much of this benefit is temporary, it attracts moderate positive weight.
 - Additional household expenditure would support services and businesses in Burnham-on-Crouch, while retention of the employment parcel

preserves the opportunity for future local employment. These benefits attract moderate positive weight.

- **Environmental Benefits**

- The statutory metric predicts a 14.39% gain in habitat units and a 20.74% gain in hedgerow units. The gains above the mandatory minimum, secured for at least 30 years, attract moderate positive weight.
- New pedestrian and cycle connections, the retained PRow and the western recreational route would improve local permeability. These improvements attract limited positive weight.
- The passive-design, overheating, water-efficiency and green-infrastructure measures would improve the development's climate resilience. As many of the energy measures are also required by Building Regulations, this attracts limited positive weight.

Adverse Impacts of the Proposal

- Part of the site lies outside the defined settlement boundary and therefore conflicts with Policy S8. In view of the site-specific strategic allocation, its relationship to the existing urban edge and the out-of-date housing policy context, this harm attracts limited adverse weight.
- The permanent loss of agricultural land, whose detailed classification has not been established, attracts limited adverse weight on a precautionary basis.
- The development would cause a marked change from open arable land to an urban extension and would have adverse effects on close landscape and visual receptors, particularly before planting matures. Taking account of the allocation, retained vegetation, buffers and long-term planting, this attracts moderate adverse weight.
- The lengthy construction period would cause temporary noise, dust, traffic and visual disturbance. Subject to the Construction Environmental Management Plan and working-hour controls, this attracts limited adverse weight.

Planning Balance Summary

- 5.19.5 The proposed development results in a number of important benefits – most notably the substantial contribution to market and affordable housing, together with moderate social, economic and environmental benefits. The harms are limited to the loss of agricultural land and the landscape and visual change, with more limited policy and temporary construction effects.
- 5.19.6 Overall, it is considered that subject to compliance with the conditions set out in section 8 and completion of the necessary legal agreement securing appropriate mitigation, the benefits are not substantially outweighed by the adverse effects when assessed against the national decision policies. The proposal therefore accords with the LDP when read as a whole and represents sustainable development under NPPF policies S3 and S5.

6. RELEVANT BACKGROUND AND PLANNING HISTORY

6.1 The property-history record identifies the following relevant applications:

Reference	Description	Decision
23/00411/OUTM	Outline planning permission for up to 50 homes (including affordable, bungalows and custom/self-build), employment development, community sport/leisure, green/blue infrastructure, access and associated infrastructure, with all matters reserved.	Application Withdrawn
25/00746/SCR	EIA screening request for development of up to 360 dwellings, community-use land, public open space, pedestrian connections, SuDS, access and associated infrastructure.	EIA Not Required

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Objection withdrawn following discussions – previous objection citing Policies S1, S2, S6 and T2, neighbourhood-plan policy NHD24 and cumulative effects, and seeking clarity on the Phase 1 requirements.	Cumulative transport, infrastructure, landscape, ecology and service effects are addressed in the relevant Main Considerations subsections and secured through conditions and the Section 106 agreement.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Initial objection to junction design and improvements at North Fambridge overcome – awaiting final confirmation	Technical Note 2507-022/TN03 Issue V2 corrects and recalibrates the modelling and provides mitigation as set out within the report. Final confirmation required prior to issue of decision
Active Travel England	Initial request for stronger accessibility, permeability, route-quality, level-crossing and measurable mode-shift evidence responded to – updated confirmation of position expected.	The amended movement/access plan, Route 3 works, five eastern links, western links, crossing and Travel Plan respond to the matters. Final confirmation required prior to issue of decision
Network Rail	Maintains that closure/diversion is preferable because it removes risk. Its 7 August correspondence seeks a cost basis and capitalised operating/renewal sum for a miniature stop light system.	Closure is unlikely to be deliverable - a miniature stop light system was proposed previously for Corinthian Way and was considered an appropriate solution at the time. Applicant has proposed a contribution of £325,500 (previous request plus indexation) through the Section 106 agreement.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Lead Local Flood Authority	Letter dated 11 August 2026: no objection subject to four conditions covering strategy implementation, construction runoff/pollution, maintenance arrangements and annual maintenance records.	Noted – proposed conditions added accordingly.
Anglian Water	Originally raised conflict with a 1050 mm sewer. The drainage engineer confirmed on 31 July that the 7.18 m clearance is acceptable, there is no objection and no Asset Protection Enquiry is required.	The asset protection concern is resolved. Foul water and statutory connection requirements are addressed by condition and separate undertaker approvals.
Essex and Suffolk Water	Requested a pre-planning enquiry, construction-supply details, water efficiency and drought-resilient planting. A bulk-supply offer has since been submitted.	The development is capable of being served. Conditions address water efficiency, construction supply and landscape resilience without duplicating the undertaker's statutory role.
Natural England	Earlier response requested winter-bird/HRA evidence and questioned the scale of recreational mitigation – updated response confirming new survey acceptable.	Noted - Final confirmation required prior to issue of decision.
Place Services Ecology	March holding objection on functionally linked land, wintering birds, skylark and mitigation. Supports the application-stage BNG metric and specifies phased BNG/HMMP requirements.	The later survey and HRA evidence resolve the information gap in officer terms. Ecology, BNG and monitoring conditions apply. Final confirmation required prior to issue of decision
Place Services Arboriculture	No objection subject to a final Arboricultural Method Statement and Tree Protection Plan using its G2 wording.	Noted and appropriate conditions added.
Place Services Archaeology	Requests a five-stage phased programme of WSI, trial trenching, mitigation, fieldwork and post-excavation/archive/publication.	Noted and appropriate conditions added.
ECC Education / Infrastructure	Seeks early-years, primary and SEND contributions, waste infrastructure, monitoring and an Employment and Skills Plan.	Proposed S106 contributions
East of England Ambulance Service	Seeks £127,445 towards Chelmsford Ambulance Hub capital infrastructure and indicative public-access defibrillator provision.	This doesn't meet the CIL tests for planning obligations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Police Strategic Planning	Supports a wider B1010 corridor assessment and mitigation.	The amended transport note addresses the wider corridor and proposed junction mitigation; see Highway Safety and Capacity.
Essex Police Designing Out Crime	Requests continued engagement on surveillance, public space, movement and secure storage.	The full layout is acceptable and the outline design code/reserved matters controls incorporate crime prevention principles.
Ramblers Association	No objection in principle, subject to safe, dry and uninterrupted rights of way during and after construction.	Accepted. The CEMP, greenway, route and landscape conditions secure the necessary standards.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Response	Officer Response
Strategic Housing	Accepts the Phase 1 affordable housing mix on balance because of the 40% overprovision and supports a whole scheme approach, subject to final tenure, standards and mix control by way of condition.	The affordable offer as set out for Phase 1 is acceptable subject to over-arching condition requiring compliance with LHNA across the entire scheme.
Environmental Health	No objection subject to unexpected contamination, CEMP including IAQM dust controls, construction hours, lighting and plant/noise controls.	Noted and appropriate conditions added.
MDC Public Health	Neutral Comment – suggested further clarification from NHS re: contribution sought. Support for proposed open space and green infrastructure and mitigation for education (contributions). Suggested further work be undertaken re: food environment	Noted – further clarifications sought from NHS (to be reported).
Open Spaces / Landscape	Accepts findings of LVIA. The retained vegetation and buffers reduce wider effects, and the new character can assimilate as planting matures. Requests greenway priority, early buffer delivery, careful railway-edge treatment and photomontages.	The overall landscape effect is acceptable. The requested controls are incorporated into the landscape, phasing and reserved matters conditions and the Section 106 management package.

7.4 Site Notice / Advertisement

- 7.4.1 A press notice was published in the Maldon and Burnham Standard on 26 February 2026. Site notices were placed in numerous locations surrounding the site (Endeavour Way, Benson Close, Ferry Road, Creeksea Lane, Newman Drive) on 5 March 2026, with comments due by 27 March.

7.1 Representations received from Interested Parties (*summarised*)

- 7.1.1 A total of ten objections have been received in relation to the proposals. The material topics and officer responses are summarised below:

Objection Comment	Officer Response
Cumulative development and infrastructure. Existing and committed growth is said to have outpaced roads, schools, healthcare, utilities, employment and community facilities.	See Principle of Development and Education, Health, Waste and Community Infrastructure. The allocated scheme must secure its own necessary mitigation; the Section 106 heads identify the evidence-based requirements.
Highway safety and capacity Concerns include the B1010 corridor, constrained junctions, collisions, road condition, construction traffic and routing through residential streets.	See Highway Safety, Capacity, Access and Parking. The amended modelling and safety audit provide mitigation; formal ECC confirmation remains a pre-issue requirement.
Railway and pedestrian safety Increased use of Creeksea Place crossing and routes towards the estuary is considered unsafe.	See Active Travel, Public Rights of Way and Railway Safety. Closure is unlikely to be deliverable; the miniature stop light package and confirmed contribution are required before any permission is issued.
Public transport and active travel The accessibility of bus/rail services, walking distances and safety of cycling on rural lanes are challenged.	See Active Travel, Public Rights of Way and Railway Safety. The amended links, Route 3 works, zebra crossing and monitored Travel Plan are acceptable subject to formal confirmation.
Schools, healthcare and emergency services Residents report full schools, pressure on GP/hospital services and concern about ambulance capacity.	See Education, Health, Waste and Community Infrastructure. ECC and EEAST requests are included where they can meet Regulation 122; existing unrelated deficits cannot be charged to the scheme.
Drainage, sewerage and water Concerns include local flooding, sewer capacity and potable-water supply.	See Flood Risk, Surface Water, Foul Drainage and Water Supply. The LLFA now has no objection and Anglian Water accepts the sewer clearance; phase-specific controls remain.
Ecology and designated sites Objectors cite loss of habitat and arable land, winter birds, protected species and recreational pressure on the estuary.	See Ecology and Habitats Regulations and Biodiversity Net Gain. The later surveys, HRA mitigation, RAMS and 30-year BNG controls address the effects, subject to the outstanding specialist replies.

Objection Comment	Officer Response
Landscape, character and density The development is described as overdevelopment that would urbanise the western edge and harm walkers' views.	See Design, Layout and Quality of Accommodation and Landscape and Visual Impact. Density is considered appropriate and effects are acceptable with the structural landscape and greenway controls.
Residential amenity and construction Residents anticipate prolonged dust, noise, vibration, mud, lighting and HGV disturbance.	See Residential Amenity, Noise, Air Quality and Contamination. Environmental Health's CEMP, IAQM dust, hours, routing and pollution conditions provide enforceable mitigation.
Delivery of earlier facilities and housing type Objectors refer to earlier anticipated employment/community facilities and question whether the new homes meet local need.	See Principle of Development, Affordable Housing and Housing Mix. The employment parcel is retained, affordable housing is secured and the outline mix must balance the full phase to meet the TAN/LHNA overall.

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

8.1 SECTION 106 HEADS OF TERMS

Head	Provision / Purpose
Affordable housing	40% on-site provision: 68 of 170 full-phase homes and up to 144 across 360 homes; 80% rented/20% shared ownership (overall scheme wide); social-rent, standards, transfer, nomination, clustering and occupation controls.
Early years and childcare	£836,814, indexed from Q1 2025, subject to the final mix and ECC formula.
Primary education	£2,092,035, indexed from Q1 2025, subject to the final mix and ECC formula.
Healthcare	Awaiting confirmation from NHS (to be confirmed at committee) – anticipated £252,400.
SEND	£665,374, indexed from Q1 2025, subject to the final mix and ECC formula.
Essex Coast RAMS / HRA	Current per-dwelling RAMS tariff plus the on-site greenspace, Riverside Park loop, information/signage, dog facilities and long-term management relied upon in the Appropriate Assessment.
Highway and active travel	Section 278 works and/or proportionate contributions for the agreed junction works, zebra crossing, PRow route 3, permeability and Travel Plan package. Bus Service Improvements (figure to be confirmed)
Railway crossing improvements	Miniature stop light design, installation, operation, renewal and maintenance package at Creeksea Place crossing. Contribution of £325,500 (to be confirmed during S106 drafting)
Open space, play and landscape	Provision, public access, transfer/management, early structural planting, greenway, play, SuDS amenity and HRA landscape features across both phases.
Biodiversity net gain / ecology	Legal security for significant on-site habitats or off-site units not adequately secured by condition/conservation covenant; 30-year HMMP and monitoring.

Head	Provision / Purpose
Employment and skills	Construction Employment and Skills Plan with agreed targets, reporting and monitoring.
Monitoring	Maldon and ECC Monitoring fees

8.2 PROPOSED CONDITIONS

Conditions Applying to the Full Permission Phase (170 Dwellings)

1 Time Limit (Phase 1)

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Compliance with Plans (Phase 1)

The Full Planning Permission Phase 1 hereby permitted shall be carried out in accordance with the approved Phase 1 plans as shown on the decision notice.

REASON: For certainty and proper planning and to ensure that the detailed phase is implemented as assessed in accordance with Policy D1 of the Maldon District Local Development Plan.

3. Hard and Soft Landscaping (Phase 1)

All hard and soft landscape works for Phase 1 shall be carried out in accordance with the approved landscape drawings as shown on the decision notice. Soft landscape works shall be completed in the first planting season following occupation of the relevant dwelling or completion of the relevant part, whichever occurs first. Hard landscape, play, greenway and public-open-space works shall be completed before the occupation threshold approved for them. Any tree, hedge, shrub or grass area which within five years of planting is removed, dies, becomes seriously damaged or diseased or fails to establish shall be replaced in the next planting season with a specimen of the same species and size unless an alternative is approved in writing by the Local Planning Authority.

REASON: To secure the approved landscape, play and green-infrastructure quality and assimilate the development into the settlement edge in accordance with Policies D1, S6, N1 and N3 of the Maldon District Local Development Plan.

4. Refuse and Recycling Storage

Refuse and recycling storage, collection points and vehicle access for Phase 1 shall be completed before occupation of the relevant dwelling in accordance with the approved Refuse Plan and shall thereafter be maintained, retained and kept available for use. No collection point shall obstruct a footway, cycleway or visibility splay.

REASON: To secure satisfactory waste collection, highway safety and residential amenity in accordance with Policies D1, D2 and T2 of the Maldon District Local Development Plan.

5. Flood Risk Compliance (Phase 1)

All works within Phase 1 shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report by TPA reference 2507-022/FRA/01A dated December 2025, as updated by Technical Note 2507-022/TN/02. The mitigation measures as identified in the Flood Risk Assessment and Drainage Strategy Report shall be fully implemented before occupation and thereafter in accordance with the timing and phasing arrangements embodied within the approved scheme, or within any other period subsequently approved in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring satisfactory storage and disposal of surface water and effective treatment of runoff, in accordance with Policy D5 of the Maldon District Local Development Plan and NPPF policies F4, F7 and F8.

Conditions Applying to the Outline Permission Phase 2 (Up to 190 Dwellings)

6. Reserved Matters (Phase 2)

No development shall commence within the Outline Permission Phase until details of the layout, scale, appearance and landscaping of the relevant phase or sub-phase (the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved Reserved Matters.

REASON: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 and define the matters reserved for later approval.

7. Time Limit (Phase 2)

Applications for approval of the Reserved Matters for the Outline Permission Phase shall be made no later than three years from the date of this permission. Development of each phase or sub-phase shall begin no later than two years from the date of approval of the last Reserved Matter for that phase or sub-phase.

REASON: To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 and secure timely delivery.

8. Compliance with Plans (Phase 2)

The Outline Permission Phase 2 hereby permitted shall provide no more than 190 dwellings and shall be carried out in accordance with the approved Phase 2 plans as shown on the decision notice and associated plans approved as part of the Reserved Matters and associated planning conditions.

REASON: To define the maximum scale and spatial parameters assessed by the Local Planning Authority in accordance with Policies S6 and D1 of the Maldon District Local Development Plan.

9. Surface Water Drainage (Phase 2)

Prior to or concurrently with the Reserved Matters submission for Phase 2 a detailed surface-water drainage scheme shall be submitted which accords with the approved Flood Risk Assessment and Drainage Strategy as listed on the decision notice. The scheme shall identify storage, treatment, discharge rates and volumes, climate-change and urban-creep allowances, exceedance routes, finished levels, connections between phases, adoption/maintenance and delivery triggers. No development of Phase 2 shall commence until the scheme has been approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the drainage serving it has been completed.

REASON: To prevent flooding and pollution and ensure that each outline phase forms part of a coherent sustainable drainage system in accordance with Policy D5 of the Maldon District Local Development Plan and NPPF policies CC3, F4, F7 and F8.

Conditions Applying to the Development as a Whole

10. Total Number of Units

The development hereby permitted shall comprise no more than 360 dwellings in total, of which 170 dwellings shall form the Full Permission Phase 1 and no more than 190 dwellings shall form the Outline Permission Phase 2. The land identified for employment use on the approved drawings as shown on the decision notice

shall be retained and safeguarded for uses within Classes E(g), B2 and B8 pursuant to this permission.

REASON: For the avoidance of doubt, to define the scope of the hybrid permission and to retain the employment component of the Burnham-on-Crouch Strategic Growth Area in accordance with Policies S2, S6, E1 and D1 of the Maldon District Local Development Plan.

11. Housing Unit Size Mix

Notwithstanding the approved Phase 1 housing mix, no application for the reserved matters of the outline permission phase shall be submitted until a housing unit mix schedule, that accords with Maldon District Technical Advice Note - Housing Mix Position (November 2025), Local Housing Needs Assessment (2025) or any subsequent update, and the policy requirements within Policy H08 of the National Planning Policy Framework, has been submitted to and approved in writing by the local planning authority. The housing unit size schedule for the market and affordable residential units shall then inform the reserved matters application for Phase 2.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.

12. Materials

No development above slab level within each phase shall take place until a schedule and samples or sample panels of all external facing and roofing materials, including brick, render, cladding, roof coverings, windows, doors, rainwater goods, porches, canopies, garage doors, hard surfacing and street furniture, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

REASON: To ensure a high-quality and coherent appearance in accordance with Policy D1 of the Maldon District Local Development Plan and the Maldon District Design Guide.

13. Topographical Details

No development above slab level within each phase shall take place until existing and proposed ground levels, finished floor levels, road levels, retaining structures and the finished relationship to neighbouring land, retained vegetation, public open space and drainage features have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

REASON: To protect landscape character, drainage, accessibility and the amenity of neighbouring and future occupiers in accordance with Policies D1, D2 and D5 of the Maldon District Local Development Plan.

14. Boundary Treatments

No dwelling shall be occupied until the boundary treatments, gates, walls, fences, railings, hedges and privacy screens serving that dwelling are completed in accordance with a detailed schedule and plan, to be submitted to and approved in writing by the Local Planning Authority. Boundary treatments adjoining public open space, SuDS, retained hedgerows and pedestrian/cycle routes shall be visually open where necessary to provide surveillance while preventing unauthorised vehicle access. The approved treatments shall thereafter be retained and maintained in accordance with the approved details.

REASON: To protect character, residential amenity, biodiversity and public safety in accordance with Policies D1, N1 and N2 of the Maldon District Local Development Plan.

15. Parking Provision

No dwelling shall be occupied until its vehicle parking, garage, cycle parking, electric-vehicle charging provision, turning space and pedestrian access have been completed in accordance with the approved plans. Those facilities shall thereafter be kept available for their intended purposes.

REASON: To ensure adequate and inclusive parking, reduce reliance on the private car and protect highway safety in accordance with Policies T1, T2 and D1 of the Maldon District Local Development Plan and the adopted parking standards.

16. Access to Dwellings

No dwelling shall be occupied until the carriageway, footway, cycleway, crossing, lighting, drainage and visibility-splay works necessary to provide safe access to that dwelling and a continuous connection to the existing network have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority. No obstruction exceeding 600 mm in height shall be placed within an approved visibility splay. The approved routes and splays shall thereafter be retained.

REASON: To secure safe and suitable access for all users in accordance with Policies T1, T2 and D1 of the Maldon District Local Development Plan and NPPF policies TR3, TR4 and TR6.

17. Off-Site Highways Improvements

No dwelling within Phase 1 shall be occupied until the following highway works have been completed:

- a) improvements to the B1010 Maldon Road and B1021 Church Road junction in accordance with Transport Planning Associates drawing 2507-022 PL04 Rev B; and
- b) the B1010 Maldon Road pedestrian crossing in accordance with drawing 2507-022 PL05 Rev A, including high PSV surfacing to the crossing approaches.

No dwelling within Phase 2 shall be occupied until the B1010, B1012 and Fambridge Road junction improvements as shown in Transport Planning Associates drawing 2507-022 PL03 Rev B have been completed.

The works shall be completed in accordance with the approved details.

REASON: To provide safe and suitable access, mitigate the phased effects of the development on the highway network and support sustainable travel, in accordance with Policies S1, S6, D1, T1, T2 and I1 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the National Planning Policy Framework.

18. Construction Stage Drainage Scheme

No development shall take place within each phase until a scheme to minimise the risk of off-site flooding caused by surface-water runoff and groundwater during construction and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address temporary storage, discharge, dewatering, topsoil stripping, silt, concrete washout, fuels, chemicals and inspection/response measures and shall be implemented as approved throughout construction.

REASON: To prevent construction-stage flooding and water pollution in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and NPPF policies CC3, F7 and F8.

19. SUDS Maintenance Plan

Prior to first occupation of each phase, a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority detailing the maintenance arrangements for every element of the surface-water drainage system, the responsible bodies, activities and frequencies and, where any element is to be maintained by a management company, the long-term funding arrangements. The system shall thereafter be maintained in accordance with the approved plan.

The applicant and every successor in title shall maintain yearly logs of maintenance carried out in accordance with the approved surface water Maintenance Plan(s). The logs shall be retained for the lifetime of the development and made available to the Local Planning Authority within 20 working days of a written request.

REASON: To ensure that the surface-water drainage system functions as intended for the lifetime of the development in accordance with Policy D5 of the Maldon District Local Development Plan.

20. Foul Water Drainage

No dwelling shall be occupied until the foul water drainage serving it has been completed in accordance with a phase drainage scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the connection point, capacity and programme and shall maintain the accepted 7.18 m clearance from the surveyed centreline of the 1050 mm Anglian Water sewer unless an alternative arrangement is approved in writing following consultation with the sewerage undertaker.

REASON: To ensure satisfactory foul drainage and protect existing utility infrastructure in accordance with Policies D2 and I1 of the Maldon District Local Development Plan.

21. Noise Attenuation

The acoustic design, glazing, ventilation and external-amenity measures identified in the approved Noise and Vibration Impact Assessment shall be installed before occupation of the relevant dwelling and retained thereafter. No dwelling shall rely on opening windows as the sole means of achieving the approved internal noise standard where the assessment requires alternative ventilation.

REASON: To secure acceptable living conditions for future occupiers in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and NPPF policies P3 and P4.

22. Residential Travel Plans

Prior to first occupation of each phase, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include baseline and target mode shares, measures and incentives, travel information, public-transport and active-travel promotion, personalised travel planning, monitoring for at least five years, annual reporting, review triggers, remedial measures, responsibilities and funding. The approved Travel Plan shall be implemented from first occupation and monitored in accordance with its programme.

REASON: To promote sustainable travel and reduce single-occupancy car trips in accordance with Policies T1, T2 and S6 of the Maldon District Local Development Plan.

23. Construction Environmental Management Plan (CEMP)

No development shall take place within each phase, including any ground works or demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following details:

- safe access to the site
- vehicle routing
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- Construction Dust Management Plan
- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- 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) including impacts from noise or vibration
- The location and timing of sensitive works to avoid harm to
- biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication in the event of a complaint and subsequent investigation
- The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The construction of the development shall be carried out in accordance with the Construction Management Plan as approved and shall be adhered to at all times thereafter.

REASON: To prevent on-road parking of construction vehicles, mud and loose material on the highway, use of unsuitable roads and harm to priority species or designated habitat sites, in the interests of highway safety and biodiversity and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan and NPPF policies TR4, TR6, N2 and N6.

24. Construction Time Restrictions

No construction activity that is audible at the boundary of the application site shall take place outside 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays, with no such work on Sundays or Bank or Public Holidays. Piling or other exceptionally noisy operations shall take place only during the hours specifically approved within the relevant Construction Environmental Management Plan.

REASON: To protect the amenity of neighbouring occupiers in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

25. Archaeology

- (1) No development or preliminary groundworks of any kind shall take place within each phase until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (2) No development or preliminary groundworks of any kind shall take place within that phase until the programme of archaeological evaluation identified in the approved Written Scheme of Investigation has been completed and

confirmed as satisfactory by the archaeological adviser to the Local Planning Authority.

- (3) Where the evaluation identifies archaeological deposits, no development or preliminary groundworks shall take place within the affected area until a mitigation Written Scheme of Investigation detailing the excavation and/or preservation strategy has been submitted to and approved in writing by the Local Planning Authority.
- (4) No development or preliminary groundworks shall commence in an area containing archaeological deposits until the fieldwork specified in the approved mitigation Written Scheme of Investigation has been completed to the satisfaction of the Local Planning Authority.
- (5) A Post-Excavation Assessment and, where required, Updated Project Design shall be submitted to the Local Planning Authority within six months of completion of the archaeological fieldwork unless an alternative period is approved in writing. The approved programme shall provide for post-excavation analysis, completion and deposition of the site archive and report at an appropriate local repository, and publication and dissemination of the results, and shall be carried out in full.

REASON: To preserve by record and, where appropriate, in situ archaeological remains of potential significance in accordance with Policy D1 of the Maldon District Local Development Plan and NPPF policies HE4, HE9 and HE10.

26. Contamination

If unexpected contamination is encountered at any time during development, works in the affected area shall cease and the Local Planning Authority shall be notified. A site investigation and risk assessment, and where necessary a remediation method statement and verification plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be completed and a verification report submitted to and approved in writing before development resumes in the affected area or the relevant dwelling is occupied, whichever is earlier.

REASON: To ensure that the site is suitable for residential use and does not present an unacceptable risk to human health, controlled waters or the environment in accordance with Policy D2 of the Maldon District Local Development Plan and NPPF policies P2 and P3.

27. Arboricultural Reports

No development shall commence within each phase until a final Arboricultural Method Statement and Tree Protection Plan, prepared in accordance with BS 5837:2012 and including drainage and service runs and the construction of hard surfaces within or adjacent to root protection areas, has been submitted to and approved in writing by the Local Planning Authority. The approved protective fencing and ground protection shall be installed before any site clearance or construction and retained until all equipment, machinery and surplus materials have been removed. No excavation, level change, storage, mixing, fire, vehicle movement or service installation shall occur within protected areas except in accordance with the approved method statement. If within five years of completion an existing retained tree is removed, destroyed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree of the species, size and planting time specified in writing by the Local Planning Authority shall be planted. The tree-protection measures shall be implemented as approved.

REASON: To protect retained trees and secure replacement planting in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

28. Ecological Mitigation

The development shall be carried out in accordance with the mitigation, avoidance and enhancement measures in the Ecological Impact Assessment, Winter Bird Survey Report and confidential badger information, except where a later measure is approved pursuant to another condition. Before commencement of each phase, a phase-specific Ecological Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. It shall include protected-species checks and licensing, nesting-bird controls, farmland-bird/skylark mitigation, hedgerow and root-zone protection, amphibian/reptile precautionary methods, badger safeguards, timing of works, ecological watching briefs, responsibilities and corrective action. The approved measures shall be implemented in full.

REASON: To avoid harm to protected and priority species and habitats and provide ecological enhancement in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and NPPF policies N2, N3 and N6.

29. External Lighting

No external lighting shall be installed within each phase until a Lighting Design Strategy for biodiversity and residential amenity has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall identify sensitive receptors, including retained hedgerows, trees, SuDS, public open space, railway and residential boundaries; specify horizontal and vertical illuminance, spectrum, shielding, mounting height, operating hours and controls; and demonstrate dark corridors for bats and other wildlife. Lighting shall be installed, operated and retained only in accordance with the approved Strategy.

REASON: To protect biodiversity, landscape character and residential amenity in accordance with Policies D1, D2, N1 and N2 of the Maldon District Local Development Plan.

30. Biodiversity Net Gain Plans

No development shall commence until a Site Wide Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority, in accordance with Schedule 7A to the Town and Country Planning Act 1990. No development within each stage shall commence until a Biodiversity Gain Plan for that phase has been submitted to and approved in writing by the planning authority. Each Phase Biodiversity Gain Plan shall set out that phase's contribution to the biodiversity gain objective and shall demonstrate cumulative progress towards achieving at least the biodiversity values in the approved Site Wide Biodiversity Gain Plan and statutory metric for the development as a whole.

REASON: To give effect to the statutory biodiversity gain condition for phased development, secure at least 10% biodiversity net gain across the whole permission and accord with Policy N2 of the Maldon District Local Development Plan.

31. Habitat Management and Monitoring Plan (HMMP)

No habitat creation or enhancement identified as significant on-site enhancement in an approved Site Wide or Phase Biodiversity Gain Plan shall commence until a Habitat Management and Monitoring Plan for that habitat has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include: a non-technical summary; roles and responsibilities; baseline and target condition; detailed creation and enhancement works; management necessary to achieve and maintain the target; a programme and funding mechanism for at least 30 years from completion of the relevant habitat works; monitoring methodology and success criteria; submission of monitoring reports in years 1, 3, 5, 10, 15, 20, 25 and 30; and remedial and adaptive management where targets are not met. The

approved Plan shall be implemented in full and the reports shall be submitted in accordance with the approved programme.

REASON: To secure and monitor significant on-site biodiversity gains for at least 30 years in accordance with Schedule 7A to the Town and Country Planning Act 1990 and Policy N2 of the Maldon District Local Development Plan.

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**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**DISTRICT PLANNING COMMITTEE
2 SEPTEMBER 2026**

Application Number	26/00066/OUTM
Location	Land Rear Of 6 To 108 Mell Road Tollesbury Essex
Proposal	Outline planning application for a residential development of up to 149 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage systems and vehicle access point from Mell Road (following the demolition of no. 6 Mell Road). All matters reserved except for means of access.
Applicant	Gladman Developments Limited
Agent	N/A
Target Decision Date	An extension of time was agreed until 5 July 2026; however, an appeal for non-determination was made following the expiry of the extension of time.
Case Officer	Gareth Ball
Parish	Tollesbury
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary • Any residential development proposal which includes provision for 75 dwellings or more.

1. RECOMMENDATION

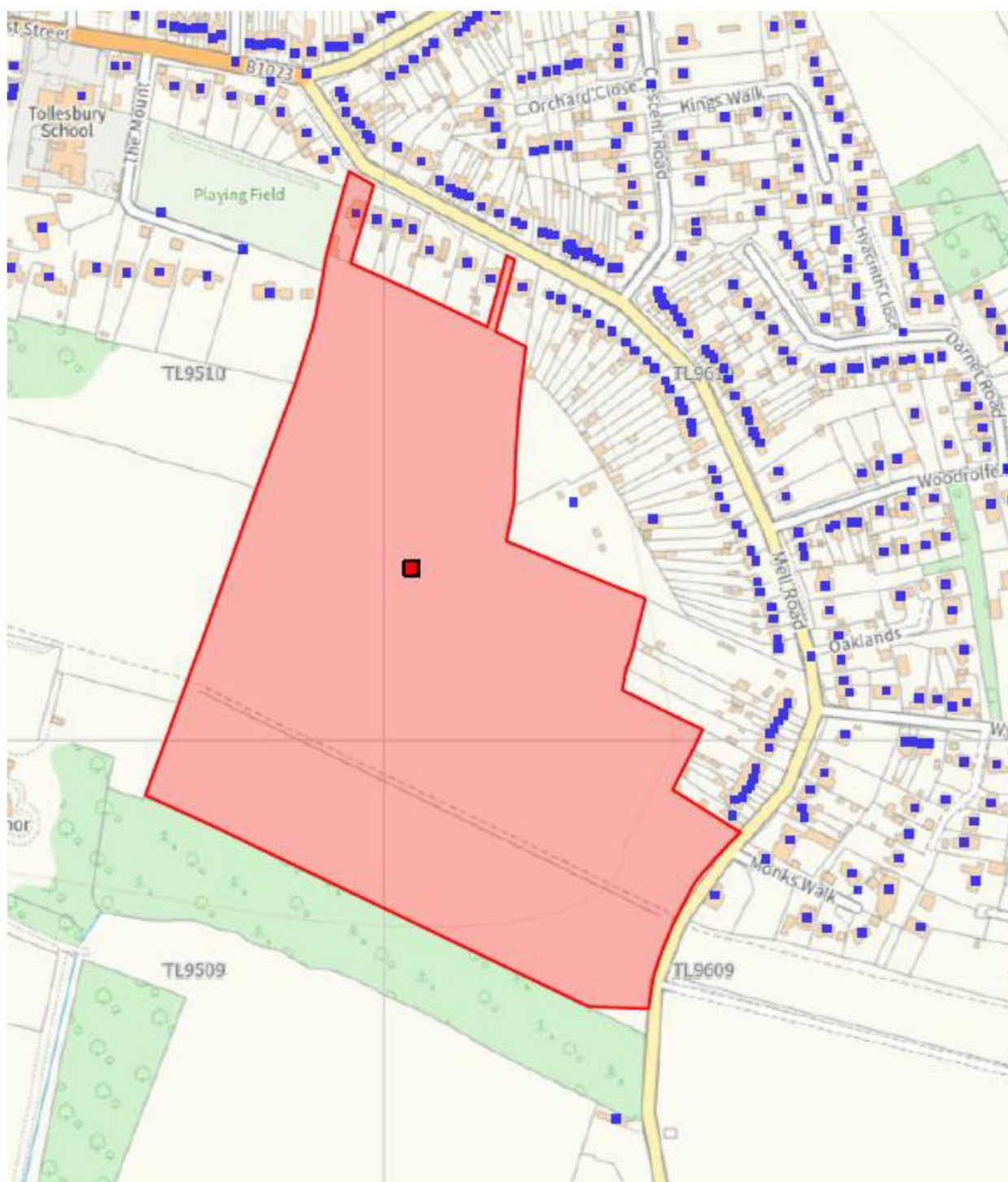
The application is subject to an appeal against non-determination of the application and therefore the Council's District Planning Committee needs to make a 'minded to' decision on the application.

The recommendation is to:

APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8 of the report.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Status of the Application

- 3.1.1 The application has been appealed due to non-determination as the time taken to decide the application is beyond the statutory 13-week determination period for a Major application. The Applicant agreed to an extension of time until 5 July 2026 but issued notice of intention to appeal non-determination on 19 June 2026 and then commenced an appeal when the extension of time lapsed.
- 3.1.2 At the point the appeal was made on 6 July 2026, the Council was not in a position to report the application to District Planning Committee due to outstanding information in relation to badger mitigation measures, and up-to-date bird surveys. A review of the submitted Landscape and Visual Appraisal (LVA) and an assessment on the cumulative impact of the vehicle trips for the multiple live applications in Tollesbury were also outstanding and further information was required.
- 3.1.3 The start date for the appeal (formerly referred to as the start letter) was on 27 July 2026.
- 3.1.4 After this date, on 6 August 2026 an updated Ecological Appraisal and a Transport Technical Note were submitted by the applicant to address the outstanding issues during the process of the appeal. This is unusual as normally an appeal is determined based on the information within the application at the time of the appeal submission. Instead, we have a live appeal that is clearly not ready for determination given the submission of further information on which the Council has had to undertake further consultation.
- 3.1.5 The Council now finds itself in a position whereby it has had to request an extension of the appeal timetable to allow for this consultation work to be actioned, reviewed and then reported to the District Planning Committee to allow for the Members to make a 'minded to' decision to the application now subject of the appeal.
- 3.1.6 The Council has until 25 September 2026 to submit its Statement of Case. Therefore, it is imperative that the Council reaches a position as what decision would have been made if the Council were to be determining the application at the Council's District Planning Committee.
- 3.1.7 As such, any decision taken by the Planning Committee on the Officers' recommendation can only be a 'minded to' decision. The power to determine this application now lies with the Planning Inspectorate through the appeal process.
- 3.1.8 At this stage (11 August 2026) we are waiting on:
- Place Ecology to provide their consultation response to the latest information provided by the applicant that was received on 6 August 2026. Should this be received in the required time, Members will be updated by way of addendum.

The site and surroundings

- 3.1.9 The application site (hereon referred to as the "Site") is a 9.24ha area of land located to the south of Tollesbury. The Site is outside the settlement boundary, comprising two fields within the open countryside and is currently in agricultural use. The Site

fronts onto the back of the existing residential properties on Mell Road. The west and south boundaries are adjacent to open countryside.

- 3.1.10 The nearest edge of the Tollesbury Conservation Area is located c.70m northwest of the Site, on East Street. Other nearby heritage assets include:
- Grade II listed Monk's House and Grade II listed The Wobbin, both to the southeast of the Site on Mell Road.
 - Grade II listed Bohuns Hall, Barn and Byre (individually Grade II listed), located southwest of the Site.
- 3.1.11 Public Right of Way (PRoW) Footpath Tollesbury 10 runs east-west through the lower portion of the Site, connecting the Victory Recreation Ground with Wycke Lane.
- 3.1.12 There is a Tree Preservation Order (TPO) 07/20 T1 for a mature oak tree in the northeast of the Site. A Group TPO 07/20 G1 of 8 No. Poplar Trees are located partially to the northwest of the Site, near the proposed vehicle access to Mell Road to allow for visibility splays and safe access for larger vehicles. TPO 08/19 T1 is a Pine Oak located at No. 4 Mell Road, adjacent to the proposed vehicle access.
- 3.1.13 The Site is located in Flood Zone 1, which has the lowest flood risk of the zones. There are areas of present day and future surface water flood risk on the Site. The Site falls within the Zone of Influence of the Blackwater Estuary RAMSAR, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. The Site is located within a sand and gravel Mineral Safeguarding Area (MSA).

The Proposal

- 3.1.14 The submitted planning application seeks:
- "Outline planning application for a residential development of up to 149 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage systems and vehicle access point from Mell Road (following the demolition of no. 6 Mell Road). All matters reserved except for means of access."*
- 3.1.15 The application is made in outline with 'means of access' included for determination. The following are matters reserved and therefore not for consideration within the current submission:
- Appearance
 - Landscaping
 - Layout
 - Scale
- 3.1.16 The proposed dwellings would have a 40 per cent affordable housing inclusion. The submitted Development Framework Plan shows a main route through the Site forming a spine from the northwest down to the southeast, with secondary roads branching off to provide access to areas of housing located in the northern and central areas of the Site. The development proposes a density of 37 dwellings per hectare (dph) if all 149 dwellings were to be constructed.
- 3.1.17 Vehicular access is proposed from a single point from Mell Road at the location of No. 6 Mell Road, which is an existing house that would be demolished. A secondary location providing only pedestrian and cyclist access would be created between Nos.

18 and 22 Mell Road, connecting into the onsite green space. The development would link up with the existing PRoW Footpath Tollesbury 10, which runs east-west through the southern part of the Site.

- 3.1.18 Further to the south of PRoW, an area of Suitable Alternative Natural Greenspace (SANG) and drainage attenuation is proposed. The application proposes a total c. 5.19ha of open space, c. 3ha of which would be SANG. This would include a Local Equipped Area of Play (LEAP) providing children's play space in the west of the Site and a community orchard in the southeast, close to the site's boundary with Mell Road.

3.2 **Conclusion**

- 3.2.1 The application seeks outline planning permission for up to 149 homes. The Site is predominantly located in the countryside, outside the settlement boundary of Tollesbury which lies directly to the north and east. The Site access points are through the settlement boundary. The proposal is therefore contrary to the spatial strategy of the Local Plan. However, the Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS) and as such, the policies most important to the determination of the housing are considered to be out of date and updated 2026 NPPF directs the decision maker to grant permission unless the adverse outcomes of doing so would substantially outweigh the benefits.
- 3.2.2 The mix of housing would be secured to be in accordance with the unit sizes of the Local Housing Needs Assessment (LHNA) and policy requirements in relation to affordable housing. This would be a substantial social benefit through the provision of much-needed housing, including the affordable element, in a sustainable larger village location.
- 3.2.3 The access points off Mell Road have been found to be acceptable by the Highways Authority, who are in support of the proposal and its impact on the highway network. An assessment on the cumulative impact of the three larger applications within Tollesbury (references 25/00381/OUTM, 25/01057/OUTM and this current application) finds that all junctions assessed would still operate within capacity and the cumulative impact has been reviewed and supported by the Highways Authority.
- 3.2.4 The application seeks to develop a greenfield site to the south of the village and will border the village and its settlement boundary but is currently open countryside. The Site is well contained due to existing residential development and dense vegetation. The application is supported by an LVA. The proposal would result in a 'minor adverse' landscape effect and a level of up to 'major/moderate' adverse (falling to moderate adverse) visual effect in one receptor, which is the impact from stretches of PRoW 10 within the Site and is localised in its harm. The levels of harm are significantly less in distanced views of the Site, given the existing screening and edge of settlement location. Officers have also identified a low level of less than substantial harm to the Grade II listed Monks' House and very low level of less than substantial harm to the Grade II listed Bohuns Hall. Officers have also identified a limited level of harm to Colchester Road, which is being considered as a non-designated heritage asset for the purposes of this assessment.
- 3.2.5 If Members are minded to grant outline permission, reserved matters stage would consider the detailed design of the development, including design quality, parking, standard of accommodation and private external amenity space.
- 3.2.6 The proposal would provide sufficient onsite measures to mitigate any impact on the Blackwater Estuary and any other ecological protected sites. The submitted Mineral

Resource Assessment demonstrates that there would not be any unacceptable sterilisation of mineral resources.

- 3.2.7 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this committee report, finding that the harms would not substantially outweigh the benefits of the development, including the provision of 149 homes where the Council cannot demonstrate a 5YHLS. Therefore, Officers recommend that Members are minded to grant approval in accordance with the presumption in favour of sustainable development within the NPPF 2026, subject to the conditions and planning obligations recommended in this Committee report.

4. MAIN RELEVANT POLICIES

- 4.1 Members' attention is drawn to the list of background papers attached to the agenda.
- 4.2 The development plan has been considered on the whole and the main relevant policies are listed below:

4.3 **National Planning Policy Framework (2026):**

- Paragraph 17 Achieving sustainable development

Chapter 3 Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 Achieving sustainable development

- S3 Presumption in favour of sustainable development
- S4 Principle of development within settlements
- S5 Principle of development outside settlements

Chapter 5 Meeting the challenge of climate change

- CC2 Mitigation of climate change
- CC3 Adaptation to climate change

Chapter 6 Delivering a sufficient supply of homes

- HO7 Meeting the need for homes
- HO8 Providing affordable homes

Chapter 11 Facilitating the sustainable use of minerals

- M2 Safeguarding mineral resources and infrastructure through plan-making
- M6 Safeguarding mineral resources and infrastructure through decision-making

Chapter 12 Making effective use of land

- L3 Achieving appropriate densities

Chapter 14 Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 Promoting sustainable transport

- TR3 Locating development in sustainable locations
- TR4 Street design, access and parking
- TR6 Assessing transport impacts
- TR8 Public rights of way

Chapter 16 Promoting healthy communities

- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits

Chapter 17 Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities
- P5 Maintaining public safety and security

Chapter 18 Managing flood risk and coastal change

- F4 Assessing flood risk for decision-making
- F5 The sequential test
- F7 Ensuring development is safe from flooding
- F8 Sustainable drainage systems and watercourses

Chapter 19 Conservation and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development
- N5 Maintaining the character of the coast
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 Conserving and enhancing the historic environment

- HE4 Securing the conservation of heritage assets
- HE5 Assessing effects on heritage assets
- HE6 Proposals affecting designated heritage assets
- HE7 Decisions on non-designated heritage assets
- HE9 Conservation areas

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- 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
- D5 Flood Risk
- 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 and Biodiversity

- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.5 **Essex Minerals Local Plan (2014):**

- S4 Reducing the use of mineral resources
- S8 Safeguarding mineral resources and mineral reserves

4.6 **Relevant Planning Guidance / Documents:**

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation SPD (RAMS)

5. **MAIN CONSIDERATIONS**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

5.2 **Principle of Development**

Proposed Land Use

5.2.1 While the Local Plan does support growth and housing provision, it is directed to areas per the settlement hierarchy in Local Plan Policy S8. Tollesbury is defined as a 'larger village' which is the second tier of the hierarchy. The Site lies outside of any defined settlement boundary and is not within an allocated housing site within the Local Plan. The Site falls within the open countryside.

5.2.2 Policy S8 supports development in the open countryside where it complies with one of the sub-criteria (a) to (m) within the policy and where the "*intrinsic character and beauty of the countryside is not adversely impacted upon*". The development is not provided for any of the sub-criteria and (as discussed later in this Committee report) does adversely impact on the intrinsic character and beauty of the countryside. The development is therefore contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.

5.2.3 NPPF Policies S4 and S5 are relevant as this Site is partially inside and partially out of settlement, and this is assessed below.

Five-year Housing Land Supply (5YHLS)

5.2.4 NPPF Policy HO1 and Annex D detail how housing calculations should be undertaken and considered. Paragraph 8 of Annex D states that "*local planning authorities should identify and update annually a supply of specific deliverable sites. This should be sufficient to provide a minimum of five years' worth of housing,*

assessed against their housing requirement in the development plan, or against their local housing need (calculated using the standard method) where the development plan housing requirement is more than five years old”.

- 5.2.5 It was established in a report to the Council on 12 February 2026 that the Maldon District Council 5YHLS stands at 4.1 years. This figure has been further disputed in recent planning appeals, including the Spratts Farm appeal (ref 6005664, decided on 18/08/2026) where the figure was disputed between the Appellant and Council, who respectively stated that it stands at 3.6 and 4.04 years. While an updated official figure has not been reached, it is acknowledged that it would fall below five years.

Presumption in Favour of Sustainable Development

- 5.2.6 Maldon Local Plan Policy S1 states that *“where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise. Account will be taken if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted”.*
- 5.2.7 NPPF Policy S3 applies the presumption in favour of sustainable through an approach which separates development within settlements and development outside settlements. The vast majority of the Site is located outside of the Tollesbury settlement boundary; however, the proposed access points on Mell Road are located within the settlement boundary. NPPF Policy S3(2) states that *“where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal”.*
- 5.2.8 A small amount of the Site (parts of the two access points onto Mell Road) are located within the settlement boundary. NPPF Policy S4(1) states that development within settlements should be approved unless the benefits of doing so would be outweighed by adverse effects, including a substantial adverse impact in relation to the considerations in Policy S4(2)(a), (b) and (c). The development would not have a substantial adverse impact on these points, nor would there be any other significant policy contravention in this regard.
- 5.2.9 Turning to the remainder of the development Site, which is located outside of settlements, NPPF Policy S5 only supports certain forms of development listed within the policy, stating that these forms of development should be approved *“unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”.*
- 5.2.10 The forms of development listed under Policy S5 do not relate to the development except Part (j), which states:

“Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test [27]), and where the development would:

- i. Be physically well-related to an existing settlement [28] (unless the nature of the development would make this inappropriate) and be of a scale which can be*

accommodated taking into account the existing or proposed availability of infrastructure; or
ii. Comprise major development for freight and logistics purposes which accords with policy E3.”

- 5.2.11 The Site is well-related to Tollesbury, as an edge of village development with existing development on two sides of the site within the settlement. The Site would not have any break in between the proposed development and Tollesbury. As detailed in the relevant sections of this Committee report, officers have concluded that the existing infrastructure can accommodate the development and as identified through the consultation process to the application (as identified in the following section of this report). The other elements of Policy S5 will be assessed within the planning balance section of this Committee report.

Infrastructure and Sustainable Transport

- 5.2.12 The application seeks housing development which would give rise to a significant number of additional people living in the area. Therefore, NPPF Policy HC3 requires the development to *“provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable)”*.
- 5.2.13 NPPF Policy L3 seeks to make efficient use of land, through increasing density of development. The policy states that in achieving this, development proposals should take into account *“the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site’s connectivity and the importance of securing well-designed, attractive and healthy places”*.
- 5.2.14 Maldon District Council has not adopted the Community Infrastructure Levy (CIL). Where financial contributions are necessary to mitigate the impacts of a development, these are secured through individual financial contributions which are calculated to mitigate the relevant cost and secured as contributions to Essex County Council where they operate the relevant services. Local Plan Policy I1 further states in this regard that *“developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts. Where the impact may be on the public highway network, then an agreement may be made under Section 278 of the Highways Act 1980 between the developer and the Highways Authority for the developer to undertake or pay for works”*.
- 5.2.15 The identified infrastructure impacts and the mitigation comprise of planning obligations to mitigate the impact in terms of financial contributions towards education, healthcare and public transport, plus on the site provision of a policy compliant level of affordable housing.
- 5.2.16 The development would implement highways works to connect to existing pavement which provides safe pedestrian routes into Tollesbury, which would be secured by planning conditions. The application is supported by a Framework Travel Plan which details how modes of sustainable travel would be improved and encouraged to future occupiers, including increases in working from home.

- 5.2.17 As stated above in paragraph 5.2.1 Tollesbury is categorised as a 'larger village' in the Local Plan settlement hierarchy, which is the second highest tier of settlement size. Policy S8 notes that larger villages are "*defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport*".
- 5.2.18 The Site is located outside the settlement boundary but is a short walkable distance from a local Primary School (although it is noted that the school does not currently have capacity to accommodate this development), bus stops, retail unit, pharmacy, public house and recreation grounds. The NPPF does not require development to be connected to multiple settlements and the development would have good connections to Tollesbury, which would be improved through the pedestrian-orientated layout of the scheme.
- 5.2.19 Bus services run to Colchester, Witham and Maldon. The services generally run every 30 minutes as a total service, but individual routes are less frequent themselves. Buses run between 07:00 – 19:30 on weekdays, 07:30 – 18:45 on Saturdays and no services on Sundays. While the Site does have a dependable service on weekdays, it lacks bus services in the evening and on Sundays, which would necessitate other modes of travel for residents wishing to travel in those times.
- 5.2.20 The additional impact through additional patronage to these services (through more persons needing to use the buses) would be mitigated through a £440,000 financial contribution towards service improvement, as requested by the Highways Authority. Highways have confirmed that if more than one of the developments within Tollesbury come forward, all relevant bus service contributions would be secured and implemented, resulting in multiple upgrades to the service to offset the cumulative increase in use.
- 5.2.21 Taking into account the local facilities and public transport options and also noting other decisions and recent appeal decisions within the district including the Site directly to the south of West Street (ref. 25/01057/OUTM), officers conclude that the Site would be in a sustainable location; however, acknowledge that there would be an element of reliance on private motor vehicle trips which cannot be fully addressed. This is unavoidable at the Site's location and the applicant has taken steps to encourage sustainable transport and utilise the existing public transport infrastructure in Tollesbury, limiting the need for private car trips so far as practical as required by NPPF Policy TR3(a).

Loss of Agricultural Land

- 5.2.22 Local Plan Policy D2(11) states that "development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land".
- 5.2.23 NPPF Policy N2(b) requires development to "take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible".
- 5.2.24 Natural England's Provisional Agricultural Land Classification (ALC) places the Site within an area of grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category.

- 5.2.25 The application is supported by an ALC report which finds that of the onsite agricultural land, c. 0.8ha of the Site should be classified as Grade 3a, which is BMV land, and c. 8.2ha is Grade 3b. This amount of BMV land falls significantly below the consultation trigger to Natural England, which is 20ha of BMV land. The loss of BMV agricultural land is unfortunate, and this will be considered in the planning balance; however, the weight attributed to the loss will be reduced given the quantum and the large amount of grade 3 and above land within the District.
- 5.2.26 Officers have noted the Inspector's stance in the recent appeal decision 24/01004/OUTM where the loss of 14.2ha Grade 3 agricultural land was given limited weight, and the recent appeal decision for application ref 25/00578/OUTM, where 18.4ha of grade 3a BMV land was noted as being abundant in Maldon by the Inspector, who concluded that wherever new development takes place it would likely need to use land of similar quality, stating (appeal decision Paragraph 58) that "*given the size of the site in relation to the area of land in the district under cultivation, I do not consider that it would materially reduce the productivity of the wider area*".
- 5.2.27 Given this assessment at most, to be consistent with recent appeal decisions in the District, the loss of agricultural land was given limited weight. It is considered that the proposal would not result in the loss of the 'best and most versatile agricultural land' given its grading to be contrary to the requirements of LP policy D2(11) nor NPPF policy N2 (b).

Other Major Application Sites in Tollesbury

- 5.2.28 While committed development can be given full weight, and live applications which have a resolution to grant permission at Planning Committee can be given moderate weight, the other relevant developments are at live application stage with no committee resolution or even an officer recommendation.

Reference / Site	No. Dwellings	Planning Stage
25/00381/OUTM	Up to 159	Presented at 5 August 2026 District Planning Committee and deferred.
25/00207/OUTM	Up to 26	Highways advise that a scheme of this size would not be assessed in relation to trip generation. It has however been considered in relation to cumulative transport impact.
25/01057/OUTM	Up to 200	Committee resolved to grant on 25 July 2026, pending the completion of the Section 106 (S106) agreement.
26/00161/OUTM	24	Highways advise that a scheme of this size would not be assessed in relation to trip generation.

Call For Sites

- 5.2.29 The sites do not benefit from formal allocation within the adopted Local Plan; however, it was considered in the Council's 'Call For Sites' (CFS) process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment. The Site's reference is TOL5. The review concluded that the Site would be sustainable for up to 120 dwellings, stating:

“On balance it is considered that development of the site would be suitable. The settlement has a number of services and facilities including a shoppers and commuter bus service. The vehicle access would have to be on Mell Road which as a pavement linked to the wider pavement network. The site is within walking distance of the High Street, primary school and bus stops. Retention of the majority of the boundary hedging would assist in mitigating against biodiversity impacts and additional planting could assist with this. Overall the site is in a suitable location and is suitable.”

- 5.2.30 The CFS process is an early-stage and high-level review and does not deem that a site will be allocated in a future Local Plan if it is found to be sustainable during the CFS assessment process. As such, officers have given this conclusion limited weight on its own standalone findings.

Principle of Development Summary

- 5.2.31 Following the assessment of the above, while the proposal of housing on the Site would result in policy conflicts due to the loss of agricultural land and location outside of the defined settlement boundary, the lack of a 5YHLS dictates that the tilted balance must be applied. This will be assessed within the Planning Balance and Conclusion section of this committee report and appropriate weight given to the policy conflicts.

5.3 Affordable Housing

- 5.3.1 The development would be policy compliant in relation to affordable housing, which would be secured at this outline stage through S106 legal agreement planning obligations requiring:

- Provision of at least 40 per cent affordable housing (in accordance with the local requirement defined in Figure 7 of Policy H1).
- Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision.
- Provision of at least 75 per cent social rent within the affordable rent portion.

- 5.3.2 Details relating to the siting and layout of affordable housing would be required at reserved matters stage. Subject to these details and the planning obligations discussed above, the proposal would comply with Local Plan Policy H1 and NPPF Policy HO8.

5.4 Unit Size Mix

- 5.4.1 The matters of layout and scale are reserved. Officers recommend a condition securing the unit size mix to be in accordance with the most recent Local Housing Needs Assessment (LHNA), the Technical Advice Note update in relation to the preferred market housing size mix. There is also a requirement for the mix to be considered through NPPF policy HO8(3). These details can then be provided at reserved matters stage.

5.5 Quality of Proposed Accommodation

- 5.5.1 Matters relating to the internal size of dwellings, provision of private external amenity space, acceptable natural light etc. are not a material consideration in this outline application, as layout is reserved. The Site has sufficient space to accommodate the number of dwellings. The Framework Development Plan notes that the development would be at a density of 37 dwellings per hectare, which is notably higher than the

surrounding village; however, this is likely achieved through the provision of some flattened elements which are easier to accommodate onsite. A detailed layout at reserved matters stage would be required to ensure that acceptable daylight and sunlight, privacy, overlooking and outlook is achieved.

- 5.5.2 NPP Policy P3 requires development proposals to be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. Policy P3 also requires consideration to be given to the sensitivity of the Site and the potential users, including where groups could be particularly vulnerable to effects. As previously stated, many aspects of the living conditions will be assessed at reserved matters stage. Officers have no reason not to consider that acceptable standards of accommodation can be brought forward on the Site. Air quality is assessed within the relevant section, later in this committee report.
- 5.5.3 Noting the proposed land use and the use of adjacent land, officers do not have any concerns in relation to noise, smell, light, visual impact and pollution, in accordance with Local Plan Policy D1.

Summary of Proposed Accommodation Quality

- 5.5.4 The quality of accommodation will predominantly be assessed at reserved matters stage. At this stage, the design is in accordance with Local Plan Policy D1 and NPPF Policy P3 in this regard.

5.6 Landscape and Visual Impact

Policy Position

- 5.6.1 The site does not fall within any formal landscape designation.
- 5.6.2 The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (LCA) document shows the Site to be within Landscape Area 'E1 Tolleshunt Coastal Farmland', the key landscape characteristics of which are:
- Absence of woodland.
 - Semi regular pattern of tall hedgerows, small copses and shelterbelts, although many hedgerows removed.
 - Gently undulating arable farmland behind the coastal marshland.
 - Small-scale settlements situated in close proximity.
- 5.6.3 The LCA notes within the 'visual characteristics' of the E1 area are:
- Panoramic views across coastal farmland to the Blackwater Estuary and the Tollesbury Wick.
 - marshes as well as to the wooded farmland to the north and west.
 - Views to Bradwell Power Station.
 - Open landscape of flat to slightly undulating arable fields.
 - Sail lofts local landmarks at marina outside Tollesbury.
- 5.6.4 The LCA assesses E1 as having a 'moderate to high' sensitivity to change.
- 5.6.5 The Site is also near LCA Landscape Areas D1 (Old Hall Marshes and Tollesbury Wick Drained Estuarine Marsh) and D2 (Maldon Drained Estuarine Marsh), with C2

(the Blackwater Estuarine Marsh/Mudflats) located to the south on the River Blackwater; however, does not include these in the assessment.

Landscape and Visual Impact Assessment (LVA)

- 5.6.6 The application is supported by a LVA, produced by FPCR, which has been considered in this assessment. The LVA has been reviewed by an independent consultant Nigel Cowlin, who produced an Independent Review (IR) to help inform the Council's assessment. Officers have reviewed the submitted LVI and the IR. The following assessment is based on the two documents, in addition to knowledge of the Site.
- 5.6.7 As this is an outline application with only access for consideration, with the Framework Development Plan providing the basis for the outline development. The LVA and the IR have therefore been undertaken on the basis that any future development would broadly follow the form submitted.

Landscape Impact

- 5.6.8 The IR details that the LVA is generally comprehensive in assessing the landscape baseline; however, disagrees with the assertion in the LVA that the Site is "by no means rural", noting that while parts of existing Tollesbury can be seen from the Site, the context of Tollesbury and the wider area is rural in nature. The IR also increases the scope for the assessment on landscape receptors (the submitted LVA engaged in too narrow or wide a focus), looking at the wider local landscape setting rather than just the Site and immediate area. The IR considers the landscape setting within the rural village and the sense of place and scenic appeal. The IR considers the landscape setting to be a Valued Landscape under Paragraph 187 of the old NPPF; however, this term has been removed from the updated NPPF. Notwithstanding this, given the high quality of the landscape character identified, it will still be given high sensitivity. The loss of the term 'valued landscape' does not change the consideration of impacts in this assessment.
- 5.6.9 The LVA does carry out an assessment on the landscape and immediate setting, concluding that the development would result in a moderate adverse landscape effect, falling to minor adverse over time as planting matures. The IR disagrees with the LVA, stating that the landscape setting should have high rather than medium sensitivity; however, the IR notes that due to the Site's enclosed location being contained within the existing buildings in Tollesbury and the large amounts of tree cover, the susceptibility of the immediate landscape to residential development, as well as the geographic extent of the effect, would be low. The IR states that the proposed landscaping would have negligible effect on reducing the impact; however, concludes that the development would result in a minor level of adverse effect to the local landscape setting at construction and long-term.
- 5.6.10 In reaching the above conclusion, the IR advises that while there are some public footpaths which provide access to the Site, where the impact would be more noticeable, the Site is not ordinarily appreciated from within the village nor from the wider outlying local landscape setting.

Visual Impact

- 5.6.11 In relation to visual impacts, the IR supports the LVA's findings for the most part; however, does note that there are some minor methodology issues and also a lack of distant visual receptor inclusion.

The IR identifies the only noticeable discrepancies in the findings of the LVA and IR to be the reduction in visual effect over time for people walking Footpath 10 when alongside the south of the proposed development, or people travelling on Mell Road. The LVA suggests the impact would diminish over time due to receptors becoming more accustomed to seeing the proposed development; however, there is no allowance for this in LVA best practice.

- 5.6.12 The most significant visual impacts, considering the levels of effect identified in the IR and agreed by officers, are:

Visual Receptor	0 Years Visual Effect	15 Years Visual Effect
People walking Footpath 10, along the southern edge of the proposed housing development.	Major/moderate adverse	Moderate adverse
People walking Footpaths 10 & 11, west of the Site	Moderate adverse	Moderate/minor adverse
People walking Footpath 12, south-east of the Site	Minor adverse	Negligible
People travelling along Mell Road	Minor adverse	Negligible

- 5.6.13 Other identified impacts would be a negligible or no impact.

- 5.6.14 The most significant impacts are all very localised, given the contained nature of the Site. Views from Footpath 10 towards the Site would have elements of existing Tollesbury built form in the background; however, the backdrop is also largely comprised of strong vegetation. This most impacted view is however spatially small, with limited geographical impact.

- 5.6.15 The demolition of the No. 6 Mell Road and creation of a new road junction has been included within considerations. This change also allows some additional visibility through the building line on Mell Road into the Site; however, this would be experienced from a narrow viewpoint and single location. The existing building line screens the majority of views into the Site, limiting the impact.

- 5.6.16 The IR includes a Zone of Theoretical Visibility (ZTV) and notes that there is likely some potential visibility from Footpaths 12 and 30, as well as potential visibility from some locations on the other side of the Blackwater Estuary to the south and some areas to the north and northeast; however, does not consider the omissions a major issue as it is unlikely that the development would cause a notable change in views and would be unlikely to be noticed by most viewers.

Conclusion

- 5.6.17 The proposal would result in:

- Minor adverse effect to the landscape to the local landscape setting at construction stage and long-term.
- Levels of visual effect including one instance of major/moderate adverse impact (falling to moderate adverse) to PRow Footpath 10 along the southern Site boundary, and one instance of moderate adverse impact (falling to moderate/minor adverse) to people walking PRow Footpaths 10 and 11, west of the Site.

- 5.6.18 The levels of harm identified are at the lower end of the scale. Nonetheless, the proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and

H4 and NPPF Policies N2, N5 and DP3. This harm will be weighed in the Planning Balance and Conclusion section of this Committee report.

5.7 Layout and Design

- 5.7.1 Appearance, Layout and Scale are reserved matters, therefore not for consideration in this application. If outline permission is granted, the decision would be subject to the details within reserved matters. The outline application does seek to set out some constraints which the reserved matters must comply with, through the submitted parameter plans.
- 5.7.2 NPPF Policy DP3 sets out the key principles for well-designed places, stating that:
- “Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.”*
- 5.7.3 Subsection 2 of Policy DP3 goes on list seven principles which should be reflected in order to create well-designed places, comprising livability, climate impact, nature, movement, built form, public space and identity. The finer details in regard to layout and design would be assessed through a reserved matters application process. The submitted Development Framework Plan does however demonstrate that the development would be set out to provide good levels of liability, inclusion of nature and high quality usable public space, sustainable drainage and good connections to Tollesbury (and use of local public transport facilities).
- 5.7.4 The application is not supported by a building heights parameter plan, however, the submitted Design and Access Statement details that *“building heights are proposed to primarily be maintained at 2 storeys throughout the development with some key buildings proposed at 2.5 storeys”*. This scale is appropriate in the context of the adjoining village and can be further considered at reserved matters stage.
- 5.7.5 The development projects a density of 37 dwellings per hectare, which is notably higher than the majority of Tollesbury. This is likely to be achieved through some flatted development, although these would still need to comply with design requirements at reserved matters stage and should be located away from the open countryside edge if required. Irrespective of the density, the assessment of a detailed layout at reserved matters stage would be the determination point for this.
- 5.7.6 Subsection (2)(b) of Policy L3 addresses to land outside settlements and therefore relates to the current application, states that *“development footprints should make the best use of a site’s development potential, taking into account the policies in this Framework”*. Officers are satisfied that the proposed maximum density would increase efficient use of the land, noting that the actual footprint of development will need to be determined at reserved matters stage.
- 5.7.7 Notwithstanding the impact on views and landscape, which are reviewed separately in this Committee report, officers acknowledge that the general onsite design would comply with the relevant parts of Local Plan Policies D1 and H4.

5.8 Open Space, Landscaping and Children's Play Space

- 5.8.1 Landscaping is a reserved matter and therefore cannot be considered in the current outline application. The submitted Framework Development Plan proposes a significant amount of open space which is suitably located and contains circular walking routes. This is considered to be acceptable, subject to details by condition and reserved matters.
- 5.8.2 Where a development plan does not set locally-specific standards for recreational land and facilities, NPPF Policy HC3 states that national standards should be used, directing the decision maker to Natural England's Green Infrastructure Standards for England, the Fields in Trust's 'standards for open space, outdoor sport and play' and Sport England guidance in relation playing pitches.
- 5.8.3 The Fields in Trust green space calculator requires a minimum of 1.91ha of green space for the proposed development, on the basis of 149 new dwellings. The application proposes a total of 5.19ha of green space, of which 3ha is SANG. This is significantly in excess of the Fields in Trust requirement. The documents referenced in NPPF Footnote 49 also require details of how open space would be accessible to all, inclusive, supports active lifestyles and mental wellbeing while being resilient to climate change and providing space for nature to thrive. This level of detail would be provided at reserved matters stage or by condition in relation to the landscaping and play areas.
- 5.8.4 NPPF Paragraph HC4(1)(b) states that substantial weight should be given to the benefits where development proposals would make a demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community (such as, but not limited to, the provision of new recreation facilities, meeting places and opportunities to grow or purchase healthier food). The significant overprovision of open space, which will be of a high quality and usable by the public outside of the Site, is welcomed and will be considered in the planning balance at the end of this Committee report.
- 5.8.5 The submitted Framework Development Plan included a single LEAP in the southwestern area of the Site. This location is well-placed and would be accessible to residents. As only one point of children's play space is provided, it should be suitably scaled and equipped. It is noted that the Site proposes a large amount of open space which can be used for informal play by residents on the Site and nearby existing housing.
- 5.8.6 Subject to the recommended conditions and the reserved matters detail to be submitted, officers are satisfied that the development can provide sufficient open space and landscaping of a high quality, in accordance with Local Plan Policies D1 and N3.

5.9 Impact on Heritage Assets and Archaeology

Policy Position

- 5.9.1 In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As this proposal would not entirely preserve the listed building's setting, there would be some conflict with this duty.

- 5.9.2 The updated NPPF provides the basis for assessing heritage impact on a planning application within Chapter 20 (Conserving and enhancing the historic environment). The policies in this chapter have been taken into account within the assessment in this committee report.
- 5.9.3 While the application is made in outline, the parameter plans provide constraints which the scale and location of development would be located within. An assessment on heritage impact can be made on this basis.

Identified Heritage Assets

- 5.9.4 The Council's Conservation and Heritage Officer has noted that heritage did not form a reason for refusal (no heritage harm was identified) of the 90-dwelling proposal ref. 19/00837/OUT and that a key difference is the increased scale of the current proposal, which would extend further south.
- 5.9.5 The following heritage assets have been identified as potentially being impacted by the proposal:

Conservation Areas

- Tollesbury Conservation Area

Designated Heritage Assets

- Monks' House (Grade II listed building) to the southeast of the Site
- Bohuns Hall and associated listed building (Grade II listed buildings) to the south of the Site
- Glebe House (Grade II listed building) to the west of the Site
- The Wobbin (Grade II listed building) to the southeast of the Site

Non-designated Heritage Assets

- Colchester Road (Protected Lane)

- 5.9.6 While the development does not physically impact on any heritage assets, the NPPF dictates that the impact on a designated heritage asset's setting must be considered.
- 5.9.7 The application has been assessed by the Council's Conservation and Heritage Officer, whose comments are contained within this assessment.

Assessment – Tollesbury Conservation Area

- 5.9.8 The Conservation and Heritage Officer did not consider there to be any potential impact on the conservation area. For completeness, officers have considered the potential impacts and conclude that due to the setback from Mell Road and the screening provided by existing buildings and trees, there would be no harm to the setting, including views out of, the Tollesbury Conservation Area.

Assessment – Monks' House (Grade II)

- 5.9.9 The significance of Monk's House derives from its architectural and historic interest as a handsome timber-framed and brick Georgian farmhouse. It is dated by a plaque to 1792 and was built by Edward Monk, a local landowner. The house also derives some of its significance from its immediate surroundings, which provide a tranquil setting on the edge of a rural village. The principal elevation of Monk's House faces south, away from the application site. Historically, Monk's House and part of the land which forms the application Site were in the same ownership, but this relationship ended a long time ago. Although it was once an isolated structure in a rural setting,

development along Mell Road in the 20th century has meant that Monk's House is now experienced as a property on the edge of the village.

- 5.9.10 The proposed development would represent a change to the building's wider setting. The most notable impact would be on wider views of the house from the PRoW Tollesbury 10 footpath. In some of these wider views, the setting of the house would appear more urbanised; however, the main views of the house from Mell Road would remain largely unaffected. This would result in a low level of less than substantial harm to the significance of the Grade II listed Monks' House.

Assessment – Bohuns Hall (Grade II)

- 5.9.11 Bohuns Hall is an historic manor house, the form of which has evolved over time. The earliest part is an early-17th century timber-framed cross-wing which may have originated as a detached kitchen. The significance of the building derives from its considerable age, quality traditional materials, historic fabric, vernacular character and its immediate rural setting on the edge of a working farmyard, which include separately listed historic farm buildings. The southwest corner of the application site is only c.80m from Bohun's Hall. However, the dense intervening vegetation largely screens the house from view, even in the winter months. None of the listed farm buildings are visible from the application site.
- 5.9.12 The Development Framework Plan indicates that the southern portion of the application site would be used for green infrastructure and an attenuation pond and would have no buildings on it.
- 5.9.13 While there is barely any visibility between Bohun's Hall and the proposed development, the scheme would erode the listed building's sense of separation from the rest of the village. This would result in a very low level of less than substantial harm to the significance of the Grade II listed Bohun's Hall.

Assessment – Glebe House (Grade II)

- 5.9.14 The Conservation and Heritage Officer did not consider there to be any potential impact on Glebe House. For completeness, officers have considered the setting of that building and conclude that the large amount of woodland between the heritage asset and proposed buildings would screen any views. The development would not result in any harm to the Grade II listed building.

Assessment – The Wobbin (Grade II)

- 5.9.15 The Conservation and Heritage Officer did not consider there to be any potential impact on The Wobbin. For completeness, officers have considered the setting of that building, which is set within a large, wooded area separating the 1.5-storey heritage asset from the Site. This would screen any views between the heritage asset and the proposed buildings. The development would not result in any harm to the Grade II listed building.

Assessment – Colchester Road

- 5.9.16 Colchester Road is a Protected Lane as defined in the Local Plan, which have heritage value.

“Protected Lanes are an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and the relationship of features within it over time. They have considerable ecological value as habitats for

plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats, and allow people to access historic landmarks and landscapes, encouraging recreation within the countryside.”

5.9.17 The Historic Environment PPG states that *“in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications”*. In consultation with the Council’s Conservation and Heritage, it is agreed that Colchester Lane can be considered a Non-Designated Heritage Asset (NDHA).

5.9.18 NPPF Policy HE7(2) states that *“where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset”*.

5.9.19 The Council’s Conservation and Heritage officer assessed that the nearby application 25/00381/OUTM would have potential to result in harm to the protected lane; however, considered the level of harm to be limited at most. The current application is more distanced from the protected lane and is likely to result in less impact due to fewer vehicle trips; however, in order to assume a worst-case scenario, officers apply the same level of harm as application 25/00381/OUTM.

Heritage Harm Summary

5.9.20 Officers have identified the below levels of harm to relevant heritage assets. The development would not impact the setting or significance of any other designated or non-designated heritage assets.

Heritage Asset	Harm Identified
Tollesbury Conservation Area	No harm
Monks’ House (Grade II listed building)	Low harm
Bohuns Hall (Grade II listed building)	Very low harm
Glebe House (Grade II listed building)	No harm
The Wobbin (Grade II listed building)	No harm
Colchester Road (Protected Lane NDHA)	Limited harm

Table 2 - Relevant Heritage Assets

5.9.21 This results in a cumulative level of a low level of harm to designated heritage assets and limited harm to a non-designated heritage asset.

5.9.22 As assessed against the criteria set out in NPPF policy HE5 the potential effects of development proposed on the significance of the heritage assets and in this instance a low level of harm would result to the significance of the heritage assets but this low level of harm does not raise any objections from the Council’s Conservation Officer to warrant grounds for refusal. As heritage harm has been identified, the level of harm must be weighed against the public benefits of the proposal in accordance with Policies HE6(4) and HE7(2) of the NPPF. This assessment will be undertaken in the Planning Balance and Conclusion section of this Committee report.

Archaeology

5.9.23 NPPF Policy HE5 states that *“where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset’s significance and the*

potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development”.

5.9.24 The Essex Historic Environment Record (EHER) shows that the proposed development is located in an area known to have high archaeological potential and is on the edge of the historic settlement of Tollesbury. The applicant has submitted an archaeology and built heritage assessment which outlines the extensive archaeological baseline in the area, including the Roman, Iron Age and medieval activity. The Essex County Council (ECC) Archaeology officer advises that “to understand the potential for, and significance of, archaeological deposits impacted by the proposal, a programme of aerial photographic assessment and rectification, geophysical survey and trial trenching followed by mitigation” and that “should this reveal archaeological deposits it will be followed by further targeted excavation / mitigation; this could be outlined in further detail by a brief from this office to inform a WSI”.

5.9.25 The requested measures are included within a condition required by ECC Archaeology. Subject to the condition, officers are satisfied that the proposal would not result in any harm to archaeological assets, in accordance with Local Plan Policy D3 and NPPF Policies HE5 and HE10.

5.10 Impact on Amenity

Impacts for Consideration

- 5.10.1 The basis of Policy D1 (4) of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity. NPPF Policy P3 requires development to protect the amenity of on- and off-site residents, also noting that consideration should be given to the potential sensitivity of users who may be more vulnerable.
- 5.10.2 The detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved, which limits the scope for consideration of amenity impacts. The submitted Framework Development Plan sets out the general layout of the development.
- 5.10.3 The visual impact is assessed in the Landscape and Visual Impact section of this Committee report.
- 5.10.4 The submission proposes dwellings up to 2 storeys, with key plots up to 2.5 storeys. While the submitted Development Framework Plan shows that residential buildings could be built adjacent to existing residential properties on Mell Road, the detailed layout, scale and appearance of the development would be considered at reserved matters stage. Officers note that the MDDG states that “*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*”. While it is noted that there would be a significant change to these properties in terms of their view, that is not a material planning consideration. Officers are satisfied that the detailed layout could be brought forward without any unacceptable impact on daylight, sunlight, outlook or privacy. As stated earlier in this report, residential visual amenity is similar to LVIA assessments but falls outside the GLVIA3 considerations. There will certainly be a noticeable change in the views from neighbouring properties; however, a view in itself is not a material planning consideration. The application proposes 2/2.5-storey

residential development adjoining development of a similar scale and nature on the edge of settlement location and this is not considered to result in any overbearing impact that would lead to an unacceptable development in terms of residential visual amenity.

- 5.10.5 Noise at construction stage would be controlled through national working hours, the Construction Environmental Management Plan (CEMP) (recommended to be secured by condition) and the Control of Pollution act. While there would certainly be a perceived impact on the surrounding area, it would be temporary and the majority of the works would be separated from existing residential development and the cemetery. Securing construction working hours are recommended by planning condition in Section 8 of this Committee report.
- 5.10.6 In addition to Maldon Local Plan Policy D1, NPPF Policy P3 also states that development should not “*give rise to, or contribute to...unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree*”. Matters relating to water and soil pollution are addressed in the relevant sections elsewhere in this committee report.
- 5.10.7 The proposed residential houses would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area. While there would be an uplift in vehicle trips associated with the proposed parking, the uplift in the number of vehicles using the road would not be at a level which results in a significant detrimental increase in emissions and the vehicles would use existing roads for access, with sufficient distance between the main routes used by new vehicles and existing buildings.
- 5.10.8 The development would introduce external lighting in an area which has no significant existing light sources. A condition is recommended to secure details of a Lighting Strategy to ensure that there is no unacceptable light spill or light pollution to surrounding sensitive receptors.
- 5.10.9 The Construction Management Plan condition on the Outline Permission would also include a requirement on dust management, to mitigate impacts on air quality as identified by the Council's Environmental Health Team.

Agent of Change

- 5.10.10 NPPF Policy P4 (Impact of development on existing activities) applies the ‘agent of change’ principle, where new development should not place unreasonable requirements on existing activities by way of the existing activity having significant adverse effects on the proposed new development.
- 5.10.11 The adjacent land uses are considered compatible with the proposed residential use. There are no existing land uses listed within Policy P4(1) near the Site. Noting this and the buffers on the west and south Site boundaries, officers do not consider there to be any unreasonable restrictions placed on existing business, community facilities, public services or other activities, in accordance with NPPF Policy P4.

Impact on Amenity Summary

- 5.10.12 Subject to the recommended condition and the detailed design at reserved matters stage, officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling. This includes considering a cumulative impact from other sites, noting the low impact of residential use and

intervening distance to other sites in the nearby area. This complies with the relevant requirements of Maldon Local Plan Policy D1 and NPPF Policy P3.

5.11 Transport, Access and Highway Safety

- 5.11.1 The application has been reviewed by ECC Highways team, who conducted a site visit and support the proposal subject to conditions and s106 obligations (both set out in Section 8 of this Committee report) summarised below:

Conditions

- Construction Management Plan
- Implementation of access arrangements
- Pedestrian improvements comprising:
 - the telegraph pole opposite the convenience store to the west of the proposed vehicle access shall be relocated to the back of the existing footway
 - pedestrian dropped kerb crossings shall be provided at the bellmouth of The Mount's junction with East Street and across Mell Road on the west side of the proposed vehicle access with the precise location to be agreed with the Highway Authority
- Bus stop improvements comprising:
 - provision of a freestanding Real Time Passenger Information sign at 'The Square' bus stop on the southern side of the High Street;
 - provision of raised kerbs at 'The Square' bus stop on the southern side of the High Street.
- Public Right of Way No. 10 upgrades
- Residential Travel Plan
- Residential Travel Packs

Planning Obligations

- £1,883 (index linked to April 2026) Travel Plan annual monitoring fee
- Up to £440,000 towards bus service improvements

Highway Capacity and Impacts on the Highway Network

- 5.11.2 The application is supported by a Transport Assessment and Travel Plan, as required by NPPF Policy TR6 (Assessing transport impacts) (1).
- 5.11.3 The Highway Authority has not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway or wider highway network is not expected to be significant no 'severe', which is the test set out in NPPF Policy TR6(4) as follows:

“Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.”

- 5.11.4 The submitted Transport Assessment demonstrates that the proposal would have an acceptable impact on the surrounding highway network, with the most significant impact being to the junction of B1026 South Street/B1032 Tollesbury Road/B1026

Church Street in Tolleshunt D'Arcy within the AM peak hour. The assessment shows that the junction's capacity (measured in the industry standard Ratio of Flow to Capacity (RFC)) would increase from 0.49 to 0.64. This effectively means that the junction would be working at 64 per cent of its total capacity at that time.

- 5.11.5 NPPF Policy TR6(3) states that when “*assessing movement patterns and potential impacts, including whether they are considered to be severe, reasonable future scenarios should be considered, taking into account impacts at relevant times of the day, potential cumulative impacts, multimodal trip generation and the promotion of sustainable modes of travel, and realising the transport vision for the development itself*”. There are multiple live planning applications in Tollesbury that can be given weight in considerations although the majority do not benefit from planning permission, nor are they committed development, and therefore should not be afforded full weight in considerations.
- 5.11.6 Following the start of the appeal, the applicant has submitted a Technical Note in addition to the initial Transport Assessment. The Note sets out an assessment of the cumulative impact of the three applications in Tollesbury (this application in addition to applications references 25/00381/OUTM and 25/01057/OUTM) in addition to the approved application 21/00702/FUL (which was varied by 24/00532/VARM and 24/00551/VARM) which granted approval for 25 dwellings on Land North Of 48 Woodrolfe Road. The Technical Note has been reviewed and conclusions supported by ECC Highways. The Note identifies the most significant impact at the South St/Tollesbury Rd/Church St junction in Tolleshunt D'Arcy, to which the cumulative impact would result in a Ratio of Flow to Capacity (RFC) of 0.91 (effectively meaning that the junction would be working at 91 per cent of its maximum capacity) during the AM peak hour. The junction is projected to operate at 0.58 capacity in the PM peak hour with the cumulative impact considered.
- 5.11.7 The Technical Note concludes a higher junction capacity impact when compared to assessments on other nearby schemes due to the inclusion of the 25-dwelling application 21/00702/FUL and Technical Note assessing the future assessment at 2031, which is later than the assessment undertaken on 25/00381/OUTM. This results in a higher projected impact on the aforementioned junction in Tolleshunt D'Arcy; however, the junction (in addition to other assessed elements) would still be operating below their capacity in this worst-case scenario. Officers therefore conclude in agreement with ECC Highways that the development would have an acceptable impact on the highway network, which would in no way be severe.
- 5.11.8 The construction phase is not considered likely to result in a severe impact on the highway and would be managed through a Construction Environmental Management Plan.
- 5.11.9 The Road Safety Audit within the Transport Assessment (TA) does not identify any issues with the local roads and finds that there would not be any significant impact on road safety.
- 5.11.10 Officers conclude that the development would not have an unacceptable impact on the operation or safety of the highway network which would be considered severe, or otherwise sufficient to warrant refusal of the application, complying with Local Plan Policy T2 and NPPF Policies TR3, TR4 and TR6.

Access

- 5.11.11 The Highways Authority states that “the applicant has submitted a detailed Transport Assessment (TA) and it provides evidence that safe and suitable access can be

provided that complies with current highway standards". The installation of the required access points, including the visibility splays and other highways works, are recommended to be secured by planning condition. This is the only vehicle access into the site but also provides pedestrian access as well. A pedestrian access onto Mell Road from this main access point is also proposed and is acceptable.

- 5.11.12 The application is in outline, and detailed layout plans have therefore not been provided. The scheme proposes two pedestrian access points and ties into the surrounding pedestrian network, connecting Mell Road to PRoW Footpath 10 through various improvements, which is supported by NPPF Policy TR8. Walking, wheeling and cycle movements would be prioritised on the Site, with connections into Tollesbury and the surrounding walking network. Subject to further detail at reserved matters stage, officers are satisfied that the layout can be made safe, efficient and clear of clutter or points of contention between vehicles and sustainable transport modes.
- 5.11.13 There is an entrance area to the Site between Nos. 18 and 22 Mell Road, which is not a public footpath and has an existing farm gate. The application proposes to clear a pedestrian access through this space onto a north-south footpath through to the south of the Site, which would connect to PRoW 10. PRoW 10 is required to be upgraded through a recommended planning condition. This pedestrian route is acceptable and would improve the permeability of the Site and connections to the existing village.
- 5.11.14 A query has been raised regarding the safety of the school grounds to the west of the proposed vehicle access road into the site. The school field is setback from the street and the proposed access road. The query has been raised with the Highways Authority who have advised that this does not fall within their remit and at this stage it is unclear whether the access would be adoptable highway. As a residential street the highway would be at most a 30mph road. The school grounds and their usage would not be affected by the proposed access road. Existing boundary treatment to the school protects school children using the school playing fields. Further information would be provided at reserved matters stage but based on the information provided there would not be any impact to the safety or use of the existing school grounds from this application.
- 5.11.15 Subject to acceptable details at reserved matters and condition discharge stage, officers are satisfied that the onsite layout would be safe, prioritise sustainable transport modes and have a good connection to the adjoining settlement, in accordance with Local Plan Policy D1 and NPPF Policy TR4.

Parking

- 5.11.16 Layout is a reserved matter. Details of vehicle and cycle parking provision are therefore not a consideration within this assessment and will be provided at reserved matters stage. The provision at reserved matters stage would need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the Vehicle Parking Standards SPD requirements.

Transport, Access and Highway Safety Summary

- 5.11.17 While the development would require some reliance on private vehicles, officers are satisfied that the Site is in a sustainable location adjoining the village and would not unacceptably impact on the surrounding highways network while considering a cumulative impact of other developments in the area. Subject to the conditions referred to, the development would have an acceptable impact in terms of transport,

access and highway safety, in accordance with Local Plan Policies D1, T1, T2 and I1.

5.12 Ecology and Biodiversity

Protected and Priority Species

- 5.12.1 The application is supported by an Ecological Appraisal, produced by FPCR. The submission has been reviewed by Place Services Ecology, whose comments are included in officers' assessment. Place Services advise that there is insufficient ecological information available for determination in relation to badgers and skylarks. The applicant has submitted additional information within a revised Ecological Appraisal, dated August 2026. Officers are awaiting updated comments from Place Services Ecology, which are expected to be received shortly. Officers have reviewed the updated Ecological Appraisal, noting that the updated wintering bird survey did not identify any skylark flocks foraging onsite. The previous Place Services Ecology response stated that the approach to badger mitigation is supported in principle; however, required details on buffer zones and processes to ensure that details can be secured to protect badgers. Noting the support for the approach in principle, officers are satisfied that these details can be secured by a suitably worded condition.

Biodiversity Net Gain (BNG)

- 5.12.2 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent BNG.
- 5.12.3 Mandatory BNG applies to the current application. The submitted BNG metric concludes that there would be a net gain of 59.31 per cent habitat units, 35.76 per cent in hedgerow units and 184.86 per cent in watercourse units. The development provides a BNG significantly above the mandatory requirement which is welcomed as a benefit of the development.

Trees and Hedges

- 5.12.4 An Arboricultural Impact assessment (AIA) has been submitted, prepared by FPCR Arboricultural Consultancy. The AIA has shown the presence of twenty-nine specimens with two (category A), six (category B) and twenty-one (category C).
- 5.12.5 Two Tree Preservation Orders (TPOs) are present on the Site – one at No. 4 Mell Road and a group TPO to the rear of Mell Road. No irreplaceable habitat, including ancient woodland or ancient/veteran trees, would be lost.
- 5.12.6 The application proposes the partial removal of G1, G7 (Cat B) and G13 (Cat C) – it should be noted that these references are those used in the submitted AIA, not the TPO trees. There would be crown lifts to two TPO trees, T4 and G7 to 5.5m over the proposed access and Mell Road driveway. The Place Services Tree Officer has advised that they do not object in terms of tree retention and the proposal should seek to avoid the removals (particularly the Category B specimens). Other impacts identified as part of the proposal are limited to minor impacts within the Root Protection Areas of T4, T5 and G7, which ECC do not object to.
- 5.12.7 The arboricultural impact of the proposal would be minor; however, tree retention should be revisited at reserved matters stage. Conditions are recommended to secure an Arboricultural Method Statement and Tree Protection Plan. Subject to the

details in response to these conditions and a demonstration that best efforts have been made to avoid harm to trees (a consideration which can be revisited at reserved matters stage when a detailed layout and scale is proposed), the development would have an acceptable impact on trees in compliance with the relevant parts of Local Plan Policies D1 and N2, and NPPF Policies N2 and N6.

Protected Lanes

- 5.12.8 Colchester Road is a protected lane, identified as such within the Local Plan. The Appendix classifies protected lanes as “an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and the relationship of features within it over time. They have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats, and allow people to access historic landmarks and landscapes, encouraging recreation within the countryside”.
- 5.12.9 The protected lane is not addressed in the TA, as this relates to an ecological designation. The TA projects no increase in vehicles using this route. There would not be any significant impact on the Protected Lane, in accordance with Local Plan Policy N1.

European and Other Designated Sites

- 5.12.10 The Site falls within the recreational Zone of Influence (ZoI) of the Blackwater Estuary RAMSAR, SPA and SAC. The Blackwater Estuary is also subject to designations as a SSSI Risk Zone and Marine Conservation Zone (MCZ).
- 5.12.11 NPPF Policy N6 (Areas of particular importance for biodiversity and geodiversity) protects sites of international importance or a site of national importance (for this purpose, a SSSI).
- 5.12.12 The LPA is therefore required to prepare a project level Habitats Regulations Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.12.13 Natural England (NE) has reviewed the submitted HRA which was produced by the applicant. Maldon District Council, as the competent authority, has reviewed this HRA and agrees with the findings, therefore adopting it within the assessment of this application.
- 5.12.14 Proposed mitigation measures are set out within Appendix H of the submitted Shadow Habitat Regulations Assessment and within the Development Framework Plan, 7192-L-03
- 5.12.15 To accord with NE requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the specified development types? **Yes – The proposal is for a net increase of residential dwellings**

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 149 houses**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

Summary of Appropriate Assessment

- 5.12.16 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures to mitigate any adverse effects on the protected sites through increased recreational use resulting from the proposed development. This stance is supported by NE subject to the proposed mitigation. The proposed mitigation comprises:
- Essex Coast RAMS financial contribution of £175.55 per dwelling (indexed) which amounts to a maximum sum of £26,156.95 if 149 dwellings are constructed.
 - A variety of footpaths through the greenspace and SANG on site that equates to approximately 2.55km in total.
 - 5.19ha greenspace, to include 3ha of SANG to the west and south of the site.
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents.
- 5.12.17 The circular walk and green infrastructure and SANG provided to mitigate recreational disturbance impacts upon the Essex Coast Habitats sites must be provided in advance of first occupation of the new dwellings.
- 5.12.18 Subject to the above measures and planning obligations, officers are satisfied that the proposal would not result in an adverse impact on any international or national protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1, and Policy N6 of the NPPF.

5.13 Drainage and Flood Risk

Flood Risk and Surface Water Drainage

- 5.13.1 The site is wholly located within Flood Zone 1, which has a less than 1 in 1000 annual probability of flooding from rivers or the sea sources. The proposed residential use is appropriate in this Flood Zone. There are no concerns relating to tidal or fluvial flood risk.
- 5.13.2 Parts of the Site are identified on Government mapping as having existing and future surface water flood risk. NPPF Policy F5 (The sequential test) (2) dictates that “the sequential test should be used in areas known to be at risk now or in the future from

any form of flooding” except where circumstances apply. Policy F5(2)(b)(ii) provides an exception where a site-specific flood risk assessment demonstrates that:

“Where the site would be at risk of surface water flooding only, the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere in accordance with policy F7.”

- 5.13.3 The areas of surface water flooding are largely on the Site edges, in areas of landscaping or dense vegetation. There is an area within the centre of the Site, which is shown on the submitted topographical plan to be a depression in ground levels. While the illustrative masterplan is only indicative, it does show small parts of the surface water flooding area being located over proposed dwellings. Noting that the surface water flooding would be a maximum 300mm, which can be addressed in the most part by raising finished floor levels at affected properties, and noting the very constrained level of surface water flooding which can likely be addressed through redirecting surface water flow away from the depression to attenuation basins, officers are satisfied that the detailed design at reserved matters stage and conditions, including the finalised surface water drainage scheme, can ensure that there is no significant flood risk or threat to safety on the Site, in accordance with Local Plan Policy D5, NPPF Policies F5 (The sequential test), F7 (Ensuring development is safe from flooding) and CC3 and the Planning Practice Guidance. As per NPPF Policy F5, the sequential test does not need to be applied.
- 5.13.4 This outline application reserves the matter of layout and therefore a detailed drainage scheme cannot be finalised at this stage as it will need to reflect the layout of buildings, streets and drainage basins within the full layout at reserved matters stage. The application is however supported by a Flood Risk Assessment, which has been reviewed by the Lead Local Flood Authority (LLFA), which is ECC. The LLFA advises that it is satisfactory and they have no objection subject to the following conditions:
- Detailed surface water drainage scheme
 - Scheme of measures to minimise offsite flood risk during construction stage.
 - Maintenance plan
 - Maintaining annual logs of maintenance
- 5.13.5 Subject to the details of reserved matters and the above conditions, the application proposes acceptable SuDS drainage measures, in accordance with Local Plan Policy D5 and NPPF Policy F8

Foul Drainage and Water Supply

- 5.13.6 AW are the operator of the local sewerage system and have confirmed that they have no assets which may be impacted by the development. AW has also advised that Tollesbury Water Recycling Centre (WRC) has sufficient capacity to accommodate c. 639 additional dwellings and that it therefore has more than enough capacity for the additional wastewater flows from the proposal, the other two developments on West Street (refs 25/00381/OUTM and 25/01057/OUTM) and the other applications of various stages of progression within Tollesbury (refs 25/00207/OUTM and 26/00161/OUTM).
- 5.13.7 AW advise that they have worked with the applicant to establish a Sustainable Point of Connection (SPOC) for the proposed development. The required foul network connection point is manhole 2600, located approximately 400m northeast of the Site. The use of this SPOC would avoid the constrained areas within the network and

thereby avoid risk of pollution and flood risk downstream, in compliance with NPPF Policy P3(2)(f). AW have requested that a condition be used to secure the details and implementation of foul drainage works, which has been included in Section 8 of this committee report.

- 5.13.8 Essex and Suffolk Water has not objected to the proposal but advises that a Pre-Planning Enquiry (PPE) must be submitted in order to confirm whether the existing potable water network has capacity or if reinforcement works are required. Officers note the statutory duty for water suppliers lies outside of planning considerations in this aspect.

Drainage and Flood Risk

- 5.13.9 Subject to the submission of acceptable reserved matters and details in relation to the conditions stated within this report section, officers are satisfied that the proposal would not have any unacceptable risk in relation to flooding or drainage, in accordance with Local Plan Policies D1 and D5, and NPPF Policies F4 (Assessing flood risk for decision making), F5 and F7.

5.14 Other Planning Considerations

Minerals and Waste

- 5.14.1 The Site is located in a 'sand and gravel' Mineral Safeguarding Area as defined in Minerals Local Plan Policy S8; however, a 100m standoff to residential property reduces the area of accessible minerals to below 5ha, which means a Mineral impact Assessment is not required and ECC do not object to the loss.
- 5.14.2 The development at this Site's location would not be located in or impact on a Waste Consultation Area– no Waste Infrastructure Impact Assessment is required.
- 5.14.3 Conditions are recommended to secure a Site Waste Management Plan and Mineral Supply Audit, to ensure that existing materials are managed sustainably and safely and reduce the need for the extraction of new minerals, in line with Minerals Local Plan Policy S4. A Mineral Supply Audit is also required, which has been recommended in condition. Subject to the above conditions, officers are satisfied that the development would comply with Minerals Local Plan Policies S4 and S8, and Policies M2 and M6 of the NPPF.

Education Infrastructure

- 5.14.4 The proposed development would increase the number of residents living locally, which would result in increased demand on local schools. The ECC education department have provided comments and do not object to the application, subject to the identified mitigation as follows:
- Early years childcare financial contribution of £365,646 index linked to Q1-2025
 - Primary education financial contribution of £914,115 index linked to Q1- 2025
 - Special Educational Needs and Disability (SEND) school contribution of £290,735 index linked to Q1-2025
 - Secondary school transport contribution of £177,220.60 index linked to 2Q 2021
 - Libraries financial contribution of £16,433.21, index linked to November 2025
 - Employment and Skills Plan

- A £750 monitoring fee per obligation (£4,500 total)

5.14.5 Representations have been received stating that there is no crossing point at the existing Tollesbury School; however, the proposed Mell Road access would be on the same pavement side as the school, which has sufficient capacity for the proposal. Representations also state that there would be significant risk for children walking or cycling to the primary school in Tolleshunt D'Arcy in the event that the primary school children could not go to the Tollesbury primary school. To address this ECC Education's request for a secondary school transport contribution to allow access via bus to schools where there is a lack of safe footpath access.

Public Safety and Human Health

5.14.6 Essex Police Design out Crime have made recommendations of how the detailed design can create safe places which allow for easy and safe access by emergency services. They encourage early engagement from the applicant – an informative is recommended to advise of this. In principle, the surrounding uses of the Site, communal areas and modes of transport do not give way to any significant concerns in terms of the hazards set out in NPPF Policy P5 (Maintaining public safety and security). In addition, the Health and Safety Executive (HSE) advises that the development falls outside of consultations zones and does not relate to any major accident hazards.

5.14.7 The submitted Health Impact Assessment concludes that there would not be any significant detrimental impacts and notes the positive health impacts of additional green space, to the local community.

5.14.8 NHS Property Services note that there are insufficient existing care services to accommodate the proposed development and therefore require a financial contribution of £111,200 through a planning obligation, to increase capacity to mitigate the additional stress on services.

5.14.9 Subject to further detail and the financial obligations identified, the proposal would have an acceptable impact on human health and wellbeing, in accordance with Local Plan Policies D1 and I2, and NPPF Policy P5.

5.14.10 The NHS has requested that a requirement be placed on the application for a defibrillator to be placed and made accessible onsite; however, officers do not consider this to be a reasonable requirement for the planning application and have not included this in Section 8 of this Committee report.

Air Quality

5.14.11 The Institute for Air Quality Management (IAQM) guidelines indicate that this application needs to submit an Air Quality Assessment (AQA). The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone.

5.14.12 NPPF Policy 3(2)(c) requires development to “*sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies*”.

5.14.13 The AQA identifies medium to high dust risk during the earthworks and construction stages of the development. To mitigate this, the Council's Environmental Health

Team has required a condition securing a Construction Management Plan which contains dust management measures which are in line with IAQM guidance.

- 5.14.14 Subject to the recommended conditions, officers are satisfied that the application would have an acceptable impact on air quality, in accordance with Local Plan Policies D1, D2 and Policy 3 of the NPPF.

Land Contamination

- 5.14.15 The Council's Environmental Health Team advise that the submitted Phase 1 Desk Study identifies several potentially complete pollutant linkages, including: made ground associated with the existing residential plot - moderate/low risk via ingestion, inhalation and dermal contact, including potential asbestos fibres; evidence of fly-tipped waste and former burning along northern/eastern boundaries; multiple off-site infilled ponds/pits within 1m of the boundary, with low-moderate ground gas generation potential; and potential for ground gas ingress into future dwellings.
- 5.14.16 The Study recommends a Phase 2 intrusive investigation with ground gas monitoring to confirm geological succession, contaminant levels and gas migration risks. This can be secured by a planning condition, which is recommended in Section 8 of this Committee report. Subject to this, officers are satisfied that the proposal is acceptable in terms of land contamination risk, in accordance with the relevant part of Local Plan Policy D2 and NPPF Policy P2.

Energy and Sustainability

- 5.14.17 The submitted Design and Access Statement includes multiple measures to improve sustainability on the Site, including the use of locally sourced or recycled materials, the use of environmentally sustainable materials, water use reduction measures, low-carbon lighting, insulated glazing and building orientation to improve solar efficiency and the use of solar panels.
- 5.14.18 The measures would comply with the requirements of Local Plan Policies D1 and D2, and NPPF Policy CC3. Conditions are recommended to secure details of photovoltaic panels, sustainability measures and a Site Waste Management Plan.

5.15 Planning Obligations

- 5.15.1 The applicant has confirmed that they are willing to enter into a Section 106 (S106) legal agreement which would be bound to the permission if granted, to include the following planning obligations:
- Accessible Dwellings:
 - At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - At least 10 per cent of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per cent of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on the completed units that preceding year and anticipated completions for the following year.

- Affordable Housing Scheme, including:
 - Provision of at least 40 per cent affordable housing
 - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
 - Provision of at least 75 per cent social rent within the affordable rent portion.
- The requirement for a tenure layout plan, demonstrating acceptable clustering of between 15 and 25 units of affordable dwellings, and details of tenure type and unit size. Annual Travel Plan monitoring fee of £1,883 (index linked to April 2026) from first occupation until one year after final occupation
- Bus service improvements financial contribution of £440,000
- Education contributions including:
 - Early years childcare financial contribution of £365,646 index linked to Q1 - 2025,
 - Primary education financial contribution of £914,115 index linked to Q1 - 2025
 - Special Educational Needs and Disability (SEND) school contribution of £290,735 index linked to Q1 -2025
 - Secondary school transport contribution of £177,220.60 index linked to Q2 - 2021
 - Libraries financial contribution of £16,433.21, index linked to November 2025
 - A £700 monitoring fee per obligation (£3,500 total)
- Essex Coast RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,156.95 if 149 dwellings are constructed) and implementation of mitigation measures including:
 - A variety of footpaths through the greenspace and SANG on site that equates to approximately 2.55km in total.
 - 5.19ha greenspace, to include 3ha of SANG to the west and south of the site.
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents.
- Management Company details, including details of how the orchard will be managed.
- NHS healthcare Primary Care Network infrastructure contribution of £111,200
- Maldon District Council Section 106 administration and monitoring fee of £1,638.

5.15.2 If Members are minded to grant planning permission, that decision would be subject to the legal agreement being signed, to secure the above obligations, prior to the decision notice being issued.

5.16 Planning Balance and Conclusion

5.16.1 Officers have considered the application in line with NPPF Policy DM3 and worked with the applicant, including collaboratively accepting additional information following the submission of the non-determination appeal.

Heritage Harm Balance

- 5.16.2 NPPF Policy HE6(4) states that *“where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed”*.
- 5.16.3 NPPF Policy HE7(2) states that *“where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset”*.
- 5.16.4 The public benefits of this application are detailed later in this committee report, but notably include the provision of up to 149 new dwellings, including at least 40 per cent as affordable dwellings. The application would cause a cumulative low level of harm due to impacts on two Grade II listed buildings and limited harm to a non-designated heritage asset. Due regard has been given to the important conservation of the heritage assets, noting their level of listing and the identified harm to their settings. Officers conclude that the public benefits would outweigh the heritage harm by a considerable margin, in accordance with NPPF Policy HE6, HE7 and Local Plan Policy D3.

Presumption in Favour of Sustainable Development

- 5.16.5 As stated earlier in this committee report, the housing policies of the Local Plan must be considered out-of-date due to the lack of a 5YHLS. The application must be determined under the presumption in favour of sustainable development, in accordance with Policies S3 and S5 of the NPPF, and Policy S1 of the Maldon Local Plan.
- 5.16.6 To recap, within the Principle of Development section of this Committee report, officers concluded that the small parts of the development within the settlement boundary would comply with NPPF Policy S4.
- 5.16.7 Officers have also concluded that the elements of the proposal outside the settlement boundary would fall within the ‘form of development’ described in NPPF Policy S5(1)(j) in that the Site is well-related to Tollesbury (by nature of being adjacent) and can be accommodated taking into account the existing or proposed availability of infrastructure.
- 5.16.8 Subsection 2 of NPPF Policy S5 states that *“in applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”*. Officers have identified 15 national decision-making policies which state that development proposals should be refused in specific circumstances. These are listed below and have been assessed where relevant in this committee report, with a brief response provided in the below table:

Policy	Response
TC3(4)	Not Applicable (N/A) – no town centre use proposed and not located in a town centre
TR6(4)	The development would not have a severe adverse impact on the transport network.
HC5(1)	N/A – no hot food takeaway proposed
L3(4)	Density is assessed in this committee report and is considered to be acceptable. The application would make efficient use of the land.
GB6(2)	N/A – the Site is not located in Green Belt
DP3(3)	The design would comply with the relevant NPPF requirements, subject to the detailed design elements to be submitted at reserved matters stage or by condition.
N4(2)	N/A – the Site does not affect a Protected Landscape
N6(1)(a)	Subject to mitigation recommended in this committee report, the development would not result in any adverse impact on any international habitats sites.
N6(2)	There would be no loss of irreplaceable habitat.
HE6(5)	N/A – the application does not result in substantial harm to, or total loss of, the significance of a designated heritage asset.
M5(1)	N/A – no peat extraction is proposed or affected
M5(2)	N/A – the application does not relate to coal or onshore gas oil extraction
F6(1)(a)	The Site is not incompatible with the risk from fluvial or tidal flooding.
F7(2)	The development would be safe from flood risk.

- 5.16.9 Officers have concluded that the proposal should not be refused due to any of the identified policies in the above table. The assessment of the planning balance will consider all material considerations, including all relevant policies within the NPPF, not only those in the above table.
- 5.16.10 The Site is outside of the settlement boundary; however, it is in an edge of settlement location, with active travel modes into Tollesbury. It does not comprise isolated homes referred to within Subsection 3 of Policy S5. The requirements of that subsection of the NPPF therefore do not apply.
- 5.16.11 Subsection (4) of Policy S5 states that “*development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement*”. As highlighted above, officers have concluded that the proposed development would fall within the category of S5(1)(j).
- 5.16.12 Taking the above assessment into account, officers conclude that the presumption in favour of sustainable development should be engaged, in accordance with the requirements of NPPF Policies S3, S4 and S5. NPPF Policy S5(1) directs that application “*should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework*”.
- 5.16.13 The assessment of this planning balance is set out below, taking into account all material considerations.

Benefits of the Proposal

- 5.16.14 The main impacts of the proposal which are considered to be benefits (it should be noted that matters which are secured in order to address the impacts of the proposal, such as the education, ecological or healthcare financial contributions, are sized appropriately to the development's impact and are necessary to make it acceptable in planning terms and are therefore not considered benefits):

Social Benefits

- The provision of 149 new suitably sized homes within the District, with a pressing need for new homes, as evidenced by the lack of a 5YHLS. This includes 40 per cent of units as affordable homes. Officers give this benefit substantial weight.
- New communal open space (including the SANG in the west of the Site) and children's play space which would benefit future occupiers of the development but also residents outside the Site boundary. Noting the proposed scale, officers give this benefit moderate weight.

Economic Benefits

- There would be some benefits in terms of job creation during the construction phase; however, this is a relatively short-term benefit. Officers give this benefit moderate weight.
- Future occupiers would utilise local facilities, improving the viability of these businesses. Officers give this benefit moderate weight.

Environmental Benefits

- Creation of a significant amount of green infrastructure, including a 3ha area of SANG which would be available to surrounding residents, and a BNG significantly above the 10 per cent mandatory national requirement. This makes a large improvement to open space offer in the surrounding area and contributes to mitigation of impacts on nearby protected sites and protected species habitats. Officers give this benefit moderate weight.
- Improvements to pedestrian links. Noting the location and destination points of the improved links, officers give limited weight to this benefit.
- The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use sustainable energy generation within the development. This approach aligns with national sustainability aims and officers give this benefit moderate weight.

Adverse Impacts of the Proposal

- 5.16.15 The application has been assessed against the relevant policies of the development plan. The main harms resulting from the proposed the development are:
- Development located outside of the settlement boundary, failing to accord with the spatial strategy of the Local Plan; however, given the lack of a 5YHLS resulting in the relevant policies being considered out of date, officers give limited weight to this harm.
 - The proposal would establish built form on an open greenfield site, which officers consider to result in would result in 'minor adverse landscape effects (maintaining at minor) to the immediate context and local landscape setting, and up to 'major/moderate adverse' visual effects (falling to moderate) predominantly related to people walking Footpaths 10 and 11. Noting the

magnitude of the adverse impacts identified, officers give this harm moderate weight.

- Loss of c. 9.4ha of agricultural land. Noting the large amount of Grade 3 agricultural land within the District, officers give limited weight to this harm.
- A cumulative low level of harm due to impacts on two grade II listed buildings and limited harm to a Protected Lane which is being considered as a non-designated heritage asset. Officers give this harm limited weight.

Planning Balance Conclusion

5.16.16 The current assessment is made in the context NPPF Policies S3, S4 and S5. Officers have weighed up the benefits and adverse impacts of the proposal within the context of the NPPF, concluding that the benefits of the application would not be substantially outweighed by any adverse effects. For these reasons, Officers therefore recommend that Members find that they would be minded to grant planning permission, should they have had the opportunity to determine the application.

5.16.17 A list of planning conditions is provided in Section 8 of this report, which officers consider necessary to make the application acceptable in planning terms and compliant with the other requirements of NPPF Policy DM6(1) and (2). The planning obligations listed in Section 8 are compliant with NPPF Policy DM6(4).

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
16/00583/FUL	Change of use from agricultural land to equestrian, the erection of a stable block with associated hard standing, fencing, vehicular access and access track.	Refused 19 Aug 2016
19/00837/OUT	Outline planning application with some matters reserved (Access only) for a residential development of up to 90 dwellings with public open space, landscaping, sustainable drainage systems and vehicular access point from Mell Road (following the demolition of no. 6 Mell Road). All matters reserved except for means of access.	Refused 06 Nov 2019

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object , for the following reasons: • Tollesbury is remote, at the end of a long peninsula and the strong sense of community would be lost. The village should evolve in a sustainable, integrated way.	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	• The proposal would result in overdevelopment of the village and erode the existing social fabric. There would be a rapid and substantial increase which is out of scale with the historically steady and sustainable growth of the village. • The proposal would create significant and demonstrable harms to the community's health, social and cultural well-being and increasing waste and pollution. • There is sufficient value in this piece of agricultural land which make it unsuitable for development as outlined in the recently published DEFRA Land Use Framework and Local Plan Policy D2(item 11). • Sustainable food production is essential and 9 per cent of this land is classified as 3a 'good quality' and is best and most versatile, which is protected. • Tollesbury's layout is not suitable for modern transport and the number of cars proposed. The centre is regularly gridlocked, which also compromises the conservation area. • There are insufficient public transport options in Tollesbury. • Pavements in the conservation area are narrow and risky for pedestrians, especially children and the elderly. Some stretches of pavement are very narrow (65cm) and there are already safety concerns for pushchairs, wheelchairs and mobility scooters, where HGVs mount the narrow pavement. • The developer has not engaged with the parish	

Name of Parish / Town Council	Comment	Officer Response
	council. - The development of Tollesbury in the east is not consistent with the pre-submission draft Tollesbury Neighbourhood Plan. - Two housing surveys have indicated that development in the village should not exceed 50 houses. - There is no school capacity nor nearby accessible schools. - There are no jobs in the village, so people moving in would be commuting to work. - The site would be better suited as a market garden, potentially combined with a renewable energy facility.	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	No comment , standing advice should be followed.	Noted
Arboricultural Officer (Place Services)	No objection , subject to the following conditions: Details on tree retention and protection measures.	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	No objection , subject to the following conditions: Phased Scheme of Archaeological investigation	Condition added to Section 8 of this report.
Anglian Water	No objection , subject to informatives and a planning condition requiring details of foul drainage.	Condition and informatives added to Section 8 of this report.
Ecology (Place Services)	Holding objection for the following reasons: - An updated wintering bird survey should be submitted. - Details on badger mitigation measures should be submitted.	This is addressed where relevant in this committee report, with relevant conditions recommended in Section 8 of this report.
Education (ECC)	No objection , subject to financial contributions to education services.	Contributions recommended as part of a s106 legal agreement Heads of Terms.
Essex County Fire and Rescue Service	Unable to provide comments due to lack of detail on drawings	The application is outline and this level of detail is

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	showing street layout and individual buildings.	not required. The Service can be reconsulted at reserved matters stage.
Essex Police – Designing Out Crime	Advice provided on design provided. We would welcome the opportunity to discuss the design with the applicant.	Noted.
Essex and Suffolk Water	No objection ; however, the applicant must engage with the developer to establish a connection point.	Noted.
Health and Safety Executive (HSE)	No comment , the application falls outside of HSE consultation parameters.	Noted
Highways Authority (ECC)	No objection , subject to the following conditions: • Construction Management Plan • Implementation of access arrangements • Pedestrian improvements • Bus stop improvements • Public Right of Way No. 10 upgrades • Residential Travel Plan • Residential Travel Packs The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement: • £1,883 (index linked to April 2026) Travel Plan annual monitoring fee • Up to £440,000 towards bus service improvements	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.
Lead Local Flooding Authority (LLFA) (ECC SUDS)	No objection , subject to the following conditions (and informatives also requested but not listed): • Detailed surface water drainage scheme. • Measures to minimise the risk of offsite flooding. • Details of maintenance arrangements • Annual maintenance logs	Conditions added to Section 8 of this report.
Minerals & Waste Planning (ECC)	No objection , subject to the following condition • A Site Waste Management Plan • Mineral Supply Audit requested to support	Conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	sustainable procurement/reuse.	
Natural England	No objection , subject to the development providing measures to mitigate impact on protected ecology sites.	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.
National Health Service Property	No objection , subject to a financial contribution of ££111,200 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.
Sports England	No comments , standing advice referred.	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	No objection. The proposal would result in a low level of less than substantial harm to the significance of grade II Monks' House and very low level of less than substantial harm to the significance of grade II Bohuns Hall. A refusal reason based on harm to heritage significance would therefore not be defensible in this case.	Noted.
Environmental Health Officer	No objection subject to the following conditions: • Phase 2 land contamination investigation • Construction Management Plan • Construction working hours • Air Quality Assessment (construction period)	Conditions added to Section 8 of this report.
Housing (MDC)	No objection , subject to details of acceptable affordable housing details and unit sizes.	Planning obligations added to Section 8 of this report.
Waste Management Officer - Environment Services	No objection , comments on design for reserved matters stage. A refuse and recycling plan should be consulted on.	Noted

7.4 Site Notice / Advertisement

- 7.4.1 A press notice was published on 6 February 2026. Site notices were placed near the Site on 11 March 2026. The public consultation period ended on 2 April 2026.

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 676 public representations were received **objecting** to the application at the time of this committee report being published and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<u>Principle of development</u> • The development is in an inappropriate rural location and is not allocated within the current development plan. The planning system should be plan-led. • There is no need for housing in Tollesbury. • The current LDP does not allocate any housing to Tollesbury; and it expects only 100 houses on "Windfall Sites" over 5 years in the whole District; Tollesbury already has 2 sites with building nearing full completion for 42 dwellings. • The current situation is that there are four outline planning applications around the village, on land outside the village boundary, which equates to 522 houses. From the Housing Needs Survey, it is clear that if housing development were to take place it should be located on the western edge of the village, not on the eastern side of the village where this site is located. • The Tollesbury Climate Partnership suggest the land would be better used as a Market Garden. • The proposal would have a cumulative impact with the other live applications in Tollesbury.	Responses to matters relating to the principle of development are provided within the Principle of Development section. Each application must be decided on its own merits at the point of determination. An alternative use of the Site that is not a policy allocation or requirement is not a material planning consideration.
<u>Sustainability of the Site</u> • There is no access to schools which are outside of Tollesbury, given the lack of capacity locally. • The Site has a poor bus service, with no service on Sundays and limited evening bus services. The nearest rail station is far from the Site. There are poor public transport options.	Responses to matters relating to the principle of development are provided within the Principle of Development section or where relevant in this Committee report.

Objection Comment	Officer Response
There is a lack of local employment opportunities. This will result in additional commuting and deliveries.	
<u>Design and Landscape/Townscape Impact</u> - The application would not retain the identity of our villages, which is required by the Local Plan. These applications would reduce this. - Tollesbury is isolated on the peninsula and has a distinct character. This development in addition to the other two applications on West Street would have a detrimental impact on its uniqueness. - The application would set a precedent for further large developments in the village. If these applications were to come forward, it would result in over 530 houses in total. This would be completely overbearing and destroy the character of the village.	Responses to these matters are provided within the Landscape and Visual Impact, Layout and Design, and Open Space, Landscaping and Children's Play Space sections of this report.
<u>Access, Highways and Parking</u> - The surrounding road network is narrow and unsafe, which will be exacerbated by additional vehicle trips, resulting in more accidents. With no additional traffic calming measures, this would result in an unacceptable impact on highway safety and should therefore be refused. - Mell Road has many cars parked on the road. Therefore, 375 cars cannot safely enter the site in addition to visitors and delivery vans. - There is no supervised safe crossing point at the school. - Children would be at a significant risk travelling, walking or cycling, to school at Tolleshunt D'Arcy, or beyond, where the highway has an absence of street lighting, dedicated footways and cycleways. - The North Road/Front Road vehicle access does not have capacity for the additional traffic. - The North Road access results in additional traffic passing a primary school with parked cars, which will	Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.

Objection Comment	Officer Response
cause a major accident. • Parking in the village square is already over capacity, which will be worse. • The existing bus service is poor and does not have late night or weekend services. • There are no shopping centres or supermarkets, which will result in more vehicle trips out of Tollesbury in addition to more delivery trips. • The nearest railway station is significantly distanced, a 22min drive away. • There are no local employment opportunities, which would require residents to drive to work, putting more stress on roads. • The Transport Assessment does not consider traffic travelling through the village, which would add to existing significant traffic issues. • The Local Plan requires development to seek to reduce the need to travel, particularly by private vehicle, which this application does not do. • There is a shortage of bus drivers, resulting in the service coming under threat and being unviable. • Tollesbury Waterfront has become increasingly popular with visitors who at busy times, park indiscriminately on the approach road, even across private driveways. Making life difficult and hazardous for pedestrians and cyclists. • The traffic assessment concedes promoting alternative transport would have a negligible effect. • The village can become cut off as only the B1023 can take heavier vehicles. This development cannot be constructed particularly due to the site location in the east, as heavy site traffic cannot access the site and larger vehicles cannot pass each other. • This development, in combination with the other sites 25/00381/OUT and 25/01057/OUT, could easily result in an additional 1,500 cars within the village. • Such traffic volumes are not viable	

Objection Comment	Officer Response
for the very rural lane network of North Road/Back Road/Chapel Road and Colchester Road. Indeed, they all have a 7.5T weight restriction because of this. • Colchester Road, for instance, is largely single track with passing places that only has room for one to two stationary vehicles. • This many additional vehicles will also significantly impact Tolleshunt D'Arcy and the busy B1026. Tolleshunt D'Arcy already experiences numerous vehicular accidents on the adjoining junctions from Tollesbury.	
<u>Natural environment</u> • Building houses here would destroy the habitat for many red status birds including Fieldfare, Woodcock and Greenfinch, as well as small mammals, insects being affected. • Wildlife - This site is currently home to Barn Owls, little owls, mount jack deer, rabbits, hares. • An additional 1500 vehicles in the village. That is significant and with the rural road network to the north such numbers would most certainly put Colchester Road, a protected lane, at serious risk of harm. The lane is protected, having been recognised as being both a heritage and landscape asset for good reason • Historic hedgerows and banking would be eroded and damaged. This directly clashes with the Local Plan's protection of the Green Infrastructure Network, geodiversity and biodiversity. With no mention of Colchester Road, the applicant fails to demonstrate how they plan to mitigate or protect the lane's status given the development's size, such as putting in protective measures to make Colchester Road a Green Lane or restricting/ redirecting traffic.	Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.
<u>Flood Risk and Drainage</u> • The site is a flood risk. • There is insufficient foul sewage infrastructure. • As recently as June 25	Responses to matters relating to these matters are provided within the Flood Risk and Drainage Section.

Objection Comment	Officer Response
(25/00381/OUTM) Anglian Water objected to a connection to their sewer due to "capacity restraints and pollution risk". Nothing has been done since to reduce this risk. The village experiences sewage leaks after heavy rain and frequent low water pressure. Regular water testing by Tollesbury Climate Partnership in conjunction with Essex University show that levels of E-Coli and Enterococci are consistently well above acceptable levels. This situation is now threatening a precious marine environment used by many for recreation and the livelihoods of local Oyster fishermen.	
<u>Heritage Impact</u> • The applicant's Archaeology and Built Heritage Assessment makes no mention of Colchester Road, a Protected Lane, despite being clearly marked on Maldon District Council's LDP Policies Map, and so does not assess its impact. • The development would negatively impact on the historic character of Tollesbury.	Responses to matters relating to these matters are provided within the Heritage Impact Section.
<u>Amenity Impact</u> • The construction period would result in unacceptable noise and air pollution. • There would be an unacceptable loss of outlook and visual amenity from existing homes. • The development would result in light pollution.	Responses to matters relating to these matters are provided within the Impacts on Amenity Section.
<u>Infrastructure and Services</u> • The development would place additional stress on local medical facilities. There is no space to expand the existing surgery without losing car parking. It is also located within a conservation area. • There is no capacity in local schools. • The lack of school capacity would result in most children needing to travel to other villages, which would also be at ECC's expense.	Responses to matters relating to these matters are provided within the relevant sections of this report, considered to be acceptable subject to the various infrastructure contributions which are laid out in the s106 Heads of Terms.

Objection Comment	Officer Response
- High levels of bacteria have been found in waters surrounding the sewage works outlet. - There would be increased school transport costs and car journeys.	
<u>Other Matters</u> - Food Protection is as important as housing. - There has been a lack of community engagement. - There were 1,531 responses to the previous application, all objecting, and the only change has been an increase in the number of houses proposed. - The additional traffic could delay emergency services, which would endanger someone's life. - There are errors within the submission documents.	Officers have assessed the submission package and consider the documents to be accurate and sufficient. The elements which display some minor inaccuracies are not central to determination and do not negatively impact on decision making. The application is supported by a Statement of Community Involvement (SCI) and the Local Planning Authority has carried out public consultation in accordance with statutory and local requirements.

8. **PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Accessible Dwellings:
 - At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - At least 10 per cent of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
 - Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on the completed units that preceding year and anticipated completions for the following year.
- Affordable Housing Scheme, including:
 - Provision of at least 40 per cent affordable housing
 - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
 - Provision of at least 75 per cent social rent within the affordable rent portion.
- The requirement for a tenure layout plan, demonstrating acceptable clustering of between 15 and 25 units of affordable dwellings, and details of tenure type

- and unit size. Annual Travel Plan monitoring fee of £1,883 (index linked to April 2026) from first occupation until one year after final occupation
- Bus service improvements financial contribution of £440,000
- Education contributions including:
 - Early years childcare financial contribution of £365,646 index linked to Q1- 2025,
 - Primary education financial contribution of £914,115 index linked to Q1- 2025
 - Special Educational Needs and Disability (SEND) school contribution of £290,735 index linked to Q1-2025
 - Secondary school transport contribution of £177,220.60 index linked to 2Q 2021
 - Libraries financial contribution of £16,433.21, index linked to November 2025
 - A £700 monitoring fee per obligation (£3,500 total)
- Essex Coat RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,156.95 if 149 dwellings are constructed) and implementation of mitigation measures including:
 - A variety of footpaths through the greenspace and SANG on site that equates to approximately 2.55km in total.
 - 5.19ha greenspace, to include 3ha of Suitable Alternative Natural Green Space (SANG) to the west and south of the site.
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents.
- Management Company details, including details of how the orchard will be managed.
- NHS healthcare Primary Care Network infrastructure contribution of £111,200
- Maldon District Council Section 106 administration and monitoring fee of £1,638

PROPOSED CONDITIONS

1 Outstanding Reserved Matters

The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters.

2 Reserved Matters Time Limit

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Outline Permission Commencement Time Limit

The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 Approved Plans and Parameter Plans

The reserved matters submitted pursuant to Condition 1 of this permission shall be submitted in accordance with the details set out in the following approved plans:

- Site Location Plan 7192-FPCR-L-01)
- Proposed Access Arrangements drawing number: P25063-001C
- Development Framework Plan 7192-L-03

REASON To ensure that the development is carried out in accordance with the details as approved.

5 Housing Unit Size Mix

The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the preferred dwelling mix set out in Table 2 within Section 5 of the Technical Advice Note accompanying the Maldon District Local Housing Needs Assessment 2025 (namely: 1-bedroom – 10%, 2-bedroom – 35%, 3-bedroom – 35%, and 4+ bedrooms – 20%) in relation to market housing and Table 1 within Section 5 of the Technical Advice note in relation to affordable housing, or any subsequent updated Local Housing Needs Assessment and associated Technical Advice Note.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

6 Soft and Hard Landscaping Scheme

Full details of the onsite provision and subsequent retention of both hard and soft landscape works shall be submitted concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. These details shall include:

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- c) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged

or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: to secure the retention and provision of appropriate landscaping on the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan (2017) and the Maldon District Design Guide.

7 Tree Retention and Protection

Prior to the commencement of any development hereby permitted, details shall be submitted to, and approved in writing by, the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The tree protection measures shall be carried out in accordance with the approved details and any protective fencing and ground protection shall be implemented prior to the commencement of construction works and retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

8 Site Levels

No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan (2017).

9 Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include (but not be limited to) the following details:

- safe access to the site
- vehicle routing

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- Noise and vibration controls
- Construction Dust Management Plan, including elements such as wheel washing and mud control
- Risk assessment of potentially damaging construction activities
- Site compound, temporary lighting and material storage
- Protection of boundary vegetation and ditches
- Identification of “biodiversity protection zones”.
- 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) including impacts from noise or vibration
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The Construction Management Plan shall be implemented as approved and maintained and retained throughout the construction process of the development.

REASON To ensure that on-road parking of these vehicles in the adjoining roads does not occur, prevent dust emissions, ensure that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, and to protect priority and protected species and nearby designated habitats sites, in the interests of highway safety and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

10 Construction Working Hours

No noise generating construction activities related to the development hereby approved shall be conducted that are audible at the site boundary outside the hours of:

- 07:30-18:00 Monday-Friday
- 08:00-13:00 Saturdays
- No work on Sundays or Bank Holidays

REASON: To protect residential amenity during construction, in accordance with Policy D1 of the Maldon Local Development Plan (2017).

11 Site Access

Prior to the first occupation of the development, the details of access arrangements and off-site highway works, as shown in principle on drawing no P25063-001D in Appendix D of the Transport Assessment, shall be fully

implemented and then maintained and retained as such for the life of the development. Prior to commencement of the development all details as listed below shall be submitted to and approved in writing with the Local Planning Authority, including:

- Minimum clear to ground visibility splays of 43 metres in both directions from a setback of 2.4 metres of the vehicular access;
- Appropriate kerb radii at the bellmouth of the vehicular access to enable refuse vehicles to manoeuvre safely in and out of the site;
- A pedestrian dropped kerb crossing together with tactile paving at the bellmouth of the vehicular access;
- The proposed pedestrian / cycle access is provided with a minimum width of 3.5 metres and include suitable measures, for example bollards, to prevent any vehicular access.

The approved details shall be implemented in full, prior to the first occupation of any dwelling hereby approved, and retained as such for the life of the development.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

12 Bus Stop Improvements

Prior to the first occupation of any dwelling within the development hereby approved, details of bus stop improvements shall be submitted to, and approved in writing by, the Local Planning Department. The bus stop improvements shall include the following:

- provision of a freestanding Real Time Passenger Information sign at 'The Square' bus stop on the southern side of the High Street;
- provision of raised kerbs at 'The Square' bus stop on the southern side of the High Street

The bus stop improvements shall be implemented prior to the first occupation of any dwelling within the development hereby approved.

REASON To encourage trips by public transport and in the interest of accessibility, in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

13 Public Footpath Works

Prior to the commencement of the development hereby approved, details of a footpath within the site with a firm surface of 2 metre width (exact materials are to be agreed). In order to maintain the integrity and character of the footpath, there shall be no planting within 3 metres of the definitive route to Public Footpath 10 (Tollesbury parish) within the application site. The scheme of works shall be implemented in accordance with the approved details, prior to the first occupation of any residential dwelling hereby permitted.

REASON To ensure the continued safe passage of the public on the definitive right of way and provide safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

14 Pedestrian Facilities Improvements

Prior to first occupation of any dwelling in the development hereby approved, pedestrian facilities outside the site (but within the public highway) shall be improved as follows:

- the telegraph pole opposite the convenience store to the west of the proposed vehicle access shall be relocated to the back of the existing footway;
- pedestrian dropped kerb crossings shall be provided at the bellmouth of The Mount's junction with East Street and across Mell Road on the west side of the proposed vehicle access with the precise location to be agreed.

REASON To ensure the continued safe passage of the public on the definitive right of way and provide safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

15 Travel Plan

Prior to the first occupation of the proposed development, the Developer shall submit an updated residential Travel Plan to the Local Planning Authority for approval. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

16 Residential Travel Packs

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided at first occupation of the development by the Developer to each dwelling free of charge.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

17 Car Parking

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, details of the vehicle parking, including visitor parking, shall be submitted to and approved in writing by the Local Planning Authority. The approved parking and charging provision shall be implemented in full prior to the first occupation of the dwelling to which it relates, or stretch of road which visitor parking is located upon, and shall thereafter be retained and kept available for such use at all times thereafter.

REASON To ensure that adequate vehicle and cycle parking and electric vehicle charging infrastructure is provided in accordance with the Maldon District Vehicle Parking Standards SPD, Policies D1, H4, T1 and T2 of the approved Maldon District Local Development Plan, and the guidance contained within the National Planning Policy Framework.

18 Cycle Parking

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, details of cycle parking storage shall be submitted to, and approved in writing by, the Local Planning Authority. The storage shall be in accordance with the cycle parking standards in Maldon's Vehicle Parking Standards SPD (2018). The approved facilities shall be secure, convenient, covered and shown to be appropriately located in rear gardens. The cycle storage shall be implemented in accordance with the approved details prior to the first occupation of each relevant dwelling hereby approved and retained in accordance for the duration of the development.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

19 External Materials

The reserved matters for the approval of layout and appearance shall include details of all proposed external finishing materials to be used in the development. No development above ground level shall commence until details or samples of all external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON In the interest of the character and appearance of the conservation area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

20 Boundary Treatment

The reserved matters for the approval of layout and appearance shall include details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

REASON To ensure the use of appropriate details to safeguard the character and appearance of the area and ensure satisfactory residential amenity, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

21 Surface Water Drainage Scheme

No development except demolition shall take place until a detailed Surface Water Drainage Scheme for the site, 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 scheme should include:

- Monitoring of ground water levels in the proposed location of the attenuation basin over at least one Winter period (December to March). Readings to be taken at appropriate intervals and reported to the Planning Authority.
- Limiting discharge rates to 11.9 l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event OR, if impracticable:-
- Demonstrate that features are able to accommodate a 1 in 10-year storm events within 24 hours of a 1 in 30-year event plus climate change.
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Note, the FRA assesses the Pollution Hazard Level as “Low”. However, 149 residences will generate in excess of 300 vehicle movements per day, and the correct level is “Medium”. Notwithstanding, the proposed provision of SuDS features is sufficient provided all carriageway run-off is routed through both the proposed swale and the attenuation basin.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features and details of the conveyance route downstream of the final outfall. FFLs should be set at least 150mm above adjacent ground levels.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to the first occupation of any dwelling hereby permitted.

REASON To prevent flooding, ensure effective operation of SuDS features over the lifetime of the development and mitigate environmental harm to the local water environment, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

22 **Offsite Flooding**

No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, with any prevention or mitigation measures in place at all times as required.

REASON To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

23 Surface Water Drainage Maintenance Scheme

Prior to the first occupation of any dwelling hereby approved, a maintenance plan detailing the maintenance arrangements of the hereby approved surface water drainage system, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to, and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall be carried out and maintained in accordance with the approved details.

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

24 Surface Water Drainage Maintenance Logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

25 Archaeology Phased Programme of Archaeological Investigation

- (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including aerial photographic rectification, geophysical survey and archaeological trial trenching has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted in writing by the applicant, for approval by the Local Planning Authority.
- (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Planning Authority has been approved.
- (3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/preservation strategy for approval by the Local Planning Authority.
- (4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Local Planning Authority.
- (5) The applicant shall submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON To protect the site, which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

26 Phase 2 Contaminated Land Investigation

No development shall commence until a Phase 2 intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The investigation shall assess the nature and extent of contamination, an intrusive investigation with ground gas monitoring to confirm geological succession, contaminant levels and gas migration risks; and appropriate recommendations.

REASON To ensure that potential land contamination risks are fully assessed and that the site is suitable for residential use, in the interests of public health and environmental protection, in accordance with Policy D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

27 Remediation Strategy

Where contamination is identified, no development shall take place until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority and implemented in full.

REASON To ensure that any contamination present on site is appropriately remediated to protect future occupiers, buildings, and the environment, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

28 Verification Report

Prior to the first occupation of any dwelling hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority, confirming that any approved remediation works have been satisfactorily completed.

REASON To confirm that the site is suitable for residential use and does not pose a risk to human health or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

29 Site Waste Management Plan (SWMP)

No development (including demolition, site clearance or groundworks) shall commence until a Site Waste Management Plan (SWMP) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted SWMP shall include, but not be limited to the following details:

- a site-wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation
- strategic forecasts in relation to expected waste arisings for construction,
- waste reduction/recycling/diversion targets, and monitor against these through a Mineral Waste Audit which details the volume of waste to landfill, recycling and reuse, with measures to divert waste up the Waste Hierarchy where possible
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area

The development hereby approved shall be implemented in accordance with the approved SWMP.

REASON To promote sustainable resource management, minimise waste generation and ensure waste is managed in accordance with the waste

hierarchy, in accordance with policies D1 of the Maldon District Local Development Plan (2017) and Policy S4 of the Essex Minerals Local Plan (2014).

30 Foul Water Strategy

No development shall commence until a strategic foul water strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall identify the connection point to MH2600 located at NGR TL 96251 10680

Prior to the first occupation of any residential unit hereby approved, the foul water drainage works must have been carried out in complete accordance with the approved scheme and they shall be retained in accordance with the approved details for the lifetime of the development.

REASON To reduce the impacts of flooding and potential pollution risk, in accordance with Policy D5 of the Maldon District Local Development Plan and the NPPF.

31 Public Open Space Provision

A scheme for the proposed area of public open space shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The details shall be broadly in accordance with the Landscape Illustrative Masterplan '8158.ASP4.ILSP'. The development shall be carried out only in accordance with the approved details.

REASON To ensure sufficient amenity space is provided to future occupiers and to mitigate visual impact on the surrounding area, in accordance with Policy D1 of the adopted Maldon District Local Development Plan.

32 Public Open Space Management

Prior to the first occupation of any residential unit hereby permitted, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.

REASON To ensure the site is managed and maintained for the benefit of the users of the site and its implications on the surrounding area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

33 Children's Play Equipment

Prior to the first occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall ensure that a range of play equipment is provided, which is designed to be accessible and inclusive to children of all abilities and needs. The design of the play areas shall ensure that access is level and that any routes, surfacing or gradients are appropriate for wheelchair users or people with mobility impairments.

The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development.

REASON To provide sufficient local play options for children, in accordance with Policy N3 of the Maldon District Local Development Plan (2017).

34 Sustainability and Renewable Energy

The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling. The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.

REASON In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies D1 and D2 of the Maldon District Local Development Plan (2017).

35 Waste Management Plan

A Waste Management Plan shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The Waste Management Plan shall provide details including the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points and bin drag distances if necessary. No development shall commence until the Waste Management Plan has been approved in writing by the Local Planning Authority. The bin and recycling stores as approved shall be provided in accordance with the approved details prior to the first occupation of each dwelling and permanently retained at all times thereafter.

REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

36 Mitigation Measures

The development, including construction, hereby approved shall be carried out in accordance with the details contained in the Ecological Appraisal, prepared by FPCR dated August 2026 and the Appendices of the earlier version of the document dated January 2026.

This will include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

37 Construction Environmental Management Plan for Biodiversity

Prior to the commencement of any development hereby approved, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.

- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an Ecological Clerk of Works (ECOW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The development hereby approved shall adhere to and be implemented strictly in accordance with the details within the approved CEMP (Biodiversity) throughout the construction period.

REASON To conserve protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

38 Badger Protection

Prior to the commencement of any development hereby permitted, including site clearance or demolition, a Badger Protection and Mitigation Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be informed by an up-to-date badger survey and shall include:

- a) details of measures to protect badgers and any active sett(s) during construction
- b) the location and specification of exclusion fencing, protective buffers and any other temporary safeguards
- c) details of supervision and monitoring by a suitably qualified ecologist during relevant stages of construction
- d) measures to maintain badger commuting routes and access to foraging
- e) details of any habitat enhancement or mitigation works proposed for badgers
- f) measures for the long-term protection and management of badger habitat, commuting routes and any retained or created sett protection areas

The approved scheme shall be implemented in full, prior to the commencement of any development including site clearance or demolition, and retained thereafter for the lifetime of the construction phase or development operational phase where appropriate.

REASON To enhance and protect protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

39 Biodiversity Enhancement Strategy

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

40 Habitat Management and Monitoring Plan (HMMP)

Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:

- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority; and
- details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development and to meet the requirements of Policies N1 and N2 of the Maldon District Local Development Plan (2017).

41 Wildlife Sensitive Lighting Scheme

Prior to the first occupation of any residential unit hereby permitted, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON To ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

INFORMATIVES

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

2. ECC Highways

The Highways Authority (ECC Highways) advises that:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

In making this recommendation the Highway Authority has treated all drawings relating to the internal layout of the proposal site as illustrative only.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 10 (Tollesbury parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

It would be expected that the proposals are in accordance with Maldon District Council's adopted vehicle / cycle parking standards when reserved matters are considered.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

3. Lead Local Flood Authority

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18 December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after 15 of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

4. Essex Fire and Rescue

You are advised to contact Essex County Fire and Rescue Service in relation to the detailed design of the development, including placement of firefighting water supplies. Details are provided in the Essex County Fire and Rescue Service consultation response, dated 23 February 2026.

5. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 12 February 2026) when considering the detailed design at reserved matters stage.

6. Environmental Health

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

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