

20 October 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 special meeting of the;

DISTRICT PLANNING COMMITTEE on WEDNESDAY 28 OCTOBER 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 28 OCTOBER 2026

1. **Chairperson's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 34)

To confirm the Minutes of the meeting of the District Planning Committee held on 15 October 2026 (copy enclosed).

4. **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).

5. **25/00381/OUTM - Land North of West Street, Tollesbury, Essex** (Pages 35 - 134)

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

6. **25/00865/RESM - Land at Broad Street Green Road and Langford Road and Maypole Road, Great Totham / Heybridge** (Pages 135 - 160)

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

7. **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. 5 and 6.
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](#)

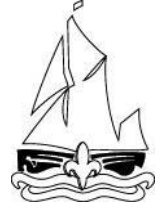
Local-scale

- [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
15 OCTOBER 2026**

PRESENT

Chairperson	Councillor R G Pratt
Vice-Chairperson	Councillor M E Thompson
Councillors	J R Burrell-Cook, J Driver, A Fittock, A S Fluker, L J Haywood, J C Hughes, A M Lay, C P Morley, M G Neall, N D Spenceley, P L Spenceley, W Stamp, CC, J C Stilts, N J Swindle and L L Wiffen
Officers (Maldon District Council)	Mrs Holmes, Director of Legal and Governance Mr Johnson, Head of Development Management Mr Purvis, Development Management Team Leader Mr Bailey, 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. CHANGE TO THE ORDER OF BUSINESS

In accordance with Procedure Rule 1(4)a, the Chairperson advised that he would be varying the order of business and bringing forward Agenda Item 6, application 26/00066/OUTM - 26/00267/OUTM - Land Adjacent Pump House, Catchpole Lane, Great Totham, Essex to be considered following Agenda Item 4, Declaration of Interests.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, V J Bell, D O Bown, S J Burwood, S Dodsley, M F L Durham, K Jennings, K M H Lagan, W J Laybourn, S J N Morgan, R H Siddall, U G C Siddall-Norman. E L Stephens and S White.

4. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 22 September 2026 be approved and confirmed.

5. DISCLOSURE OF INTEREST

There were none.

6. 26/00267/OUTM - LAND ADJACENT PUMP HOUSE CATCHPOLE LANE GREAT TOTHAM ESSEX

Application Number	26/00267/OUTM
Location	Land Adjacent Pump House Catchpole Lane Great Totham Essex
Proposal	Outline planning application with all matters reserved except access for up to 150 dwellings (Class C3) including affordable homes, public open space, sustainable drainage systems, landscaping and associated development.
Applicant	Mr Jonny Hill, Burlington UK
Agent	Mrs Kate Sutton - Andrew Martin - Planning
Target Decision Date	EOT sought for 22/10/2026
Case Officer	Gareth Ball
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary. • Greater than 75 dwellings proposed.

The Addendum, circulated prior to the meeting, highlighted some typographical and other updates to the Officers' report, including the receipt of nine further letters of representation.

Following the Officer presentation, the Applicant, Mr Hill, addressed the Committee.

During the lengthy debate that ensued, Members raised a number of questions regarding the application, and the following information was provided by Officers:

- Concerns were raised regarding nearby junctions, particularly in relation to road safety. Members were advised that the Highway Authority had reviewed the applicant's Transport Assessment (TA) and the highway information TA and plans had also been subject to a Road Safety Audit. The Highway Authority was satisfied that the proposed access would not result in an unsafe highway environment, subject to conditions. One of its suggested conditions recommended that a Traffic Regulation Order for Kelvedon Road be secured to reduce the speed limit to 30 miles per hour, thereby further improving safety and this is contained within the recommended list of planning conditions. The Officer explained that the Highway Authority did not identify that the application had a severe impact on the highway network, the Highways Authority was not objecting to the application, subject to conditions and a Section 106 requirement.
- The Officer explained that whilst it would be desirable to have a through route to Catchpole Lane the application, as submitted, was for a cul-de-sac development, and the Committee had to determine the application based on this information.
- In response to a question regarding a footpath connecting with adjacent sites, Members were advised that the plans submitted identified an area where a connection through to the adjoining site could be provided. However, this would be dependent on discussions with the applicant of the adjacent site which was subject to an existing extant planning permission.

- A Local Equipped Area of Play would be provided, along with areas which would have pop-up play features. The proposed orchard would have biodiversity and ecology benefits. However, the Reserved Matters application would provide more detail in respect of these areas as well as landscaping. The provision of play equipment that would be inclusive for all children was also raised.
- In respect of there being no emergency access on the plan, Officers advised that this would have been considered by the Highways Authority, which had not raised any objection. It was a statutory requirement in the UK for road access and layout to be built to accommodate emergency vehicles. As part of the consultation process, the Highways Authority would have consulted with the emergency services, where appropriate. The Fire Service and Essex Police were consulted on the applicant and did not object to the proposal.
- Members were advised that the proposed wording in condition 23, regarding the retention and protection of hedges and shrubs and the requirement for any to be replaced within five years of the completion of the development, had been taken from the national list of model planning conditions, and as such was the national standard approach with regard to the replacement of any trees and shrubs on a development site within a five year period.
- In response to a query regarding the Call for Sites, the Head of Development Management and Enforcement explained that this provided an indication for development, not a template, and did not provide detail on the scale, configuration, house types, etc. The amount of housing on a site was indicative and could increase or decrease. The Call for Sites was only a high-level assessment, not a detailed one and its purpose was to inform the Local Plan process.
- The area of the site within Flood Zone 3 was a small area on the very edge of the site next to Catchpole Brook, and no development was proposed in this area.

The Chairperson then put the Officer's recommendation to the Committee. This was duly seconded, and upon a vote being taken, was agreed.

RESOLVED

- (i) That this application be **APPROVED** and authority delegated to the Director of Place, Planning and Growth to grant outline planning permission subject to:
 - (a) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the compliant Heads of Terms set out below;

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing

- Provision of at least 40 per cent affordable housing with a tenure split of at least 80 per cent rented, 20 per cent intermediate produce within this provision. Provision of at least 75 per cent social rent within the affordable rent portion.
- A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Provision of affordable home ownership products in line with policy Affordable units to be delivered by a Registered

Provider/Housing Association recognised and regulated by Homes England.

- Shared Ownership units prevented from obtaining more than 80% ownership in the property, due to the Designated Protected Area location.
- All affordable units to meet Nationally Described Space Standards.
- An Affordable Housing Scheme to be agreed with the Council.
- 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.

Education

The financial contributions below are based on the formula used by Essex County Council's Education team per dwelling. If 150 dwellings were built the financial contributions would be as follows:

- Early years childcare financial contribution of £378,252
- Primary education financial contribution of £945,630
- Education transport contributions of £178,410 for secondary schools
- Libraries financial contribution of £16,543.50, index linked to April 2020
- An Employment and Skills Plan for Post 16 education
- A £700 monitoring fee per obligation

Highways

- Annual Travel Plan monitoring fee of £1,883 (index linked to April 2026) from first occupation until one year after final occupation
- Sunday bus service financial contribution of £400,000 to improve connections of the site with Maldon and Witham

Healthcare Infrastructure

NHS healthcare Primary Care Network infrastructure contribution of £112,500.

Ecology and Biodiversity

Essex Coast RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,332.50 if all 150 dwellings are constructed) and implementation of mitigation measures including:

- 1.54 ha. of accessible green space within the Site boundary
- Circular dog-walking routes of up to 2.7km utilising land within the Site boundary connected to appropriate existing walking routes.
- Details of dedicated off-lead dog areas and waste bins, signage/information leaflets for future residents to promote the use of these areas over protected sites and a long-term management and maintenance plan.

Monitoring Fees

Maldon District Council Section 106 administration and monitoring fee of £1,638.

Open Space

Maintenance of open space, children's play spaces and the orchard, including management company details.

(b) the planning conditions as detailed below.

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.

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.

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.

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:

- Location Plan LP-01 Rev C
- Land Use and Access Parameter Plan PP-01 Rev E
- Green and Blue Infrastructure Parameter Plan PP-02 Rev D
- Building Heights Parameter Plan PP-03 Rev D
- Development Framework Plan DFP01 Rev G
- Proposed Site Access Arrangement and Highway Improvements 25-342-T-001 Rev G
- Highway Improvements 25-342-T-004 Rev B
- Proposed Layout Swept Path Analysis 10m refuse vehicle 25-342-T-005 Rev B

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 have regard to 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.

6 Soft and Hard Landscaping Scheme

The reserved matters for 'landscaping' pursuant to Condition 1 of this permission shall provide full details and specifications of both hard and soft landscape works, which shall be submitted to and approved in writing by the Local Planning Authority. 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 hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved and shall be retained in accordance with the approved details thereafter.

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.

7 Site Levels

No development (excluding preliminary groundworks and site preparation) shall commence 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 and maintained as such for the duration of the development.

8 Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain and address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (e) Details of construction of any access or temporary access, and details of temporary parking requirements
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- (g) Loading and unloading of plant and materials locations
- (h) Details of any temporary hardstandings
- (i) Details of temporary hoarding
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime

- (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
- (m) For dust and air quality management and mitigation:
 - i. The identification of all dust-generating activities and sensitive receptors
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout) including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
 - iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
- (n) Measures for water management including wastewater and surface water discharge
- (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of “biodiversity protection zones”
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and
- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP.

9 Construction Groundwater Sourcing

Prior to the commencement of the development hereby approved, details of the source of water for construction purposes have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include:

- All proposed sources for water supply for construction activities
- Details of any temporary connections to the public water network or alternative sources such as deliveries or onsite abstraction

- Mitigation measures to minimise the use of water and prevent adverse impacts on the public network.

The approved details shall be implemented and complied with for the duration of the construction phase.

10 Site Access

Prior to the first occupation of the development hereby permitted, the site access as shown in principle on plan reference no '25-342-T-001 Rev G' shall be fully installed and operational. The access shall be maintained in accordance with the hereby approved plan for the lifetime of the development.

11 Public Footpath Improvements

Prior to the first occupation of the development hereby permitted, as per approved drawings '25-342-T-001 Rev G' and '25-342-T-004 Rev B' the developer shall provide a 2 metre pedestrian footway on Kelvedon Road (with localised narrowing where constrained by the highway boundary) together with appropriate dropped kerb and tactile paving crossings which shall also include Kelvedon Road on the north side of its junction with Great Totham Road and Walden House Road. The Catchpole Road pedestrian / cycle access shall similarly be provided with an appropriate dropped kerb and tactile paving crossing. The pedestrian footway shall be completed prior to the first occupation of the development.

12 Bus Stop Improvements

Prior to occupation of the proposed development, the two existing bus stops nearest to the proposed pedestrian / cycle access on Catchpole Lane shall be upgraded. The northeast-bound stop shall be provided with a timetable information case, and the southeast-bound stop shall be provided with raised kerbs and timetable information case. The bus stop improvements shall be completed prior to the first occupation of the development.

13 Traffic Regulation Order

Prior to occupation of the proposed development, the developer shall pay (through the Highway legislation requirements) for a Traffic Regulation Order together with the provision of associated signage to reduce the speed limit on Kelvedon Road to 40mph between the existing 30mph limit approximately 160m to the north of the proposed access and the junction with Maypole Road and Prince of Wales Road to the south.

14 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 in consultation with Essex County Council. 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.

15 Residential Travel Packs

Prior to the first occupation of the development, the applicant or developer shall be responsible for the provision and

implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the Local Planning Authority (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the Local Planning Authority.

16 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 and a materials site plan demonstrating the site-wide layout of the external finishes.

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.

17 Boundary Treatment

The reserved matters for the approval of layout shall include details of the proposed boundary treatment to the development.

Prior to the first occupation of any dwelling hereby approved, 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.

18 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 but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If infiltration is viable, an infiltration drainage scheme should be prioritised in accordance with the Drainage Hierarchy.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 45% allowance for climate change. The discharge rate should be limited to 1.4l/s for Parcel A, 1.3l/s for Parcel B, and 1.7l/s for Parcel C 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 demonstrate that features are able to accommodate a 1 in 10-year storm event within 24 hours of a 1 in 30-year event plus 45% climate change.
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- As the site is within a Critical Drainage Area, each property should be fitted with a water butt.
- 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. Surface water from the main spine road will require a minimum of two stages of treatment prior to discharge.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, Finished Floor Level (FFL) and ground levels, and location and sizing of any drainage features.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

19 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.

20 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.

21 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.

22 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.

23 Hedges and Shrubs Retention and Protection

Prior to the commencement of any development hereby permitted, details relating to fencing/ground protection to protect the hedges/shrubs to be retained in accordance with BS5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected. If within five years from the completion

of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge 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.

24 Archaeology Phased Programme – Pre Excavation

No development or preliminary groundworks of any kind shall take place until:

- Part 1 - A programme of archaeological investigation into trial trenching and geophysical survey has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the Local Planning Authority's archaeological advisors.
- Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.
- Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the Local Planning Authority.

25 Archaeology Phased Programme – Pre Excavation

Prior to the first occupation of the development, the following details shall be provided

- Part 1 - A post excavation assessment which has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
- Part 2 – Suitable provision has been made for 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 with details of this to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

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 and ground gas risks and include appropriate recommendations.

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.

If contamination not previously identified is found during development, works shall cease and a remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to recommencement.

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.

29 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 development shall be carried out only in accordance with the approved details.

30 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.

31 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.

32 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.

33 Biodiversity Enhancement Strategy

A Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission.

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 Biodiversity Enhancement Strategy shall have been approved in writing by the Local Planning Authority prior to the commencement of any development hereby approved. The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

34 Habitat Management and Monitoring Plan (HMMP)

Prior to first occupation 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. 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.

35 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.

36 Fixed Plant Noise

Any externally mounted plant, pumps, extraction systems, air source heat pumps, substation equipment or other fixed mechanical plant serving the development shall be designed and operated so that the rating level of noise emitted does not exceed the existing background sound level (LA90) at the nearest noise-sensitive receptor when assessed in accordance with BS4142:2014+A1:2019.

37 Pumping Station Buffer

No dwelling or any other development sensitive to noise, odour or maintenance disturbance shall be located within 15m of the boundary of the existing sewage pumping station. The reserved matters shall identify the buffer and maintain access to the infrastructure.

- (ii) That 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 authority be delegated 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) Direction 2026.

7. 26/00138/OUTM - LAND SOUTH OF THREEWAYS AND 45 THE STREET, LATCHINGDON, ESSEX

Application Number	26/00138/OUTM
Location	Land South Of Threeways And 45 The Street, Latchingdon, Essex
Proposal	Outline planning application with all matters reserved except for means of access, for up to 140 dwellings (Use Class C3), including 40% affordable housing; new site access and internal access roads; a new village centre (Use Class E(a)); flexible employment space (Use Class E); car and cycle parking; landscaping; sustainable urban drainage systems; public open space and footpaths; community woodlands and allotments; together with associated infrastructure.
Applicant	EJ Latchingdon Ltd
Agent	Mr Matthew Driscoll - MJD Planning Ltd
Target Decision Date	2 October 2026 (EoT)
Case Officer	Matt Bailey
Parish	Latchingdon
Reason for Referral to the Committee / Council	Major application

Members were reminded that this application had been considered by the Committee on 22 September 2026 and that the previous Committee report and related Addendum were attached at Appendices 1 and 2 to the report. At that meeting the application had been deferred to seek independent advice on matters relating to the flood risk sequential test, and further explanation of this was set out in the report. The report set out written advice received from Matthew Fraser of Landmark Chambers and Members' attention was drawn to the Officers' recommendation.

The Chairperson advised that some Members had not been present when this application was first discussed by the Committee and therefore in accordance with the Council's Procedure Rules only those who had been present could vote. A list of those Members eligible to vote was read out for clarification. The Chairperson clarified that those Members who had not been present were able to ask questions but could not vote on the application.

At this point, Councillors J C Hughes, N D Spenceley, N J Swindle, and L L Wiffen left the meeting and did not return.

The Addendum circulated prior to the meeting provided the following information:

- Further representations had been received and the Addendum summarised submissions not already addressed in the original Committee report.
- Concerns had been raised regarding insufficient capacity at Latchingdon Water Recycling Centre (WRC). The Addendum explained that, despite existing foul drainage capacity constraints and Anglian Water's objection, legal advice and comments from the Environment Agency supported the use of an appropriately worded condition to secure a deliverable drainage solution; Officers therefore maintained their recommendation for approval.
- Following discussions with Anglian Water and the Environment Agency, Officers proposed revised wording for condition 15 to strengthen the foul drainage requirements.

During the presentation of the application, the Principal Planning Officer drew Members' attention to the Addendum and provided a detailed explanation of Counsel's

advice that the Council had received, specifically highlighting information relating to the concerns raised regarding foul drainage.

Following the Officer presentation, an objector, Ms Derham, and Councillor Phil Simcock, speaking on behalf of Latchingdon Parish Council, addressed the Committee.

In response to a comment, the Head of Development Management and Enforcement advised that the Committee should determine the application based on the proposal, the Officer assessment and the recommended conditions. He explained that the outline application required an acceptable strategy and a reasonable prospect of delivery, with detailed matters to be considered later. He cautioned that refusal on the basis of the absence of those details at this stage could be difficult to defend on appeal, as the purpose of conditions was for details to be submitted for approval following a grant of permission.

The Director of Legal and Governance confirmed that Officers had discussed further information received that day from Councillor A Fittock with the Environment Agency.

A lengthy debate ensued, during which a number of Members raised concerns regarding the proposed development, including foul drainage issues, the impact on local residents of Latchingdon and sequential testing. In response to a number of questions raised by Members, Officers provided the following information:

- The Principal Planning Officer explained that if Members were minded to disagree with the information provided, including Counsel's advice that the proposed scheme passed the sequential test, this could be recorded in the minutes of the meeting. However, on the planning balance, even without the sequential test, the identified benefits and harms would still lead to a recommendation of approval, as set out in the table in the Officers' earlier presentation.
- It was confirmed that the Council had been presented with a sequential test. In response a list of sites from the Council's Call for Sites had been provided and the applicant had tested those sites.
- There was a proposed condition requiring the submission of a Foul Drainage Strategy. In addition, the Environment Agency had been added as a consultee as part of the process for discharging the condition. It was confirmed that there were two possible solutions to address the concerns raised. However, should the proposed conditions not be met, the application would potentially fail.

In response to further comments by Members, the Director of Legal and Governance advised that a recent appeal concerning a similar application had found that recreational disturbance, flood risk and foul drainage matters could be addressed through appropriate conditions or obligations. She cautioned that any departure from the Inspector's findings would require strong, detailed reasons supported by evidence and might otherwise be difficult to defend on appeal.

The Chairperson moved that the Committee accept the Officers' recommendation, subject to the amendment to condition 15 as outlined in the Addendum. This was duly seconded and upon a vote being taken, the motion was carried.

RESOLVED

- (i) That this application be **APPROVED** and authority delegated to the Director of Place, Planning and Growth to grant outline planning permission, subject to:
- (a) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the Heads of Terms set out below:

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT:

Head	Provision / Purpose
Affordable housing	40% on site provision: 56 homes at the maximum 140 dwellings; 80% rented and 20% intermediate; 75% of rented homes as Social Rent; agreed mix, accessibility, DPA staircasing, nomination, affordability, clustering, transfer and occupation controls.
Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)	£175.55 per dwelling at the 2026/27 tariff, calculated against the final permitted dwelling count, with agreed payment trigger, indexation, recipient and administration.
On site Habitats mitigation	Provide, manage and retain the suitable alternative greenspace, resident information, interpretation, dog management and other measures relied upon in the final Appropriate Assessment, without double counting RAMS, open space or Biodiversity Net Gain (BNG).
Early years and childcare	£343,560, indexed from quarter 1 of 2025 and adjusted through the final Essex County Council (ECC) formula.
Primary education	£858,900, indexed from quarter 1 of 2025 and adjusted through the final ECC formula.
Secondary school transport	£166,516, indexed from quarter 2 of 2021 using the stated £6.26 per pupil per day basis and final pupil yield.
Healthcare	£105,200 for 23 square metres of primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025, with identified project, trigger and repayment provisions.
Libraries	£15,440.60, indexed from November 2025, subject to final formula and project definition.
Highway and active travel	Section 278 works, Traffic Regulation Order, travel plan, packs/vouchers, annual £1,883 monitoring fee indexed from April 2026, and delivery/monitoring of the agreed access, footway and PROW measures.
Public transport - provisional	£425,000 indexed from April 2025 towards bus service improvements (subject to provision of breakdown in costs from ECC Highways and Community Infrastructure Levy (CIL) compliance)

Head	Provision / Purpose
Green infrastructure and open space	Transfer or management company arrangements for public open space, woodland, allotments, play, Sustainable Drainage Systems (SuDS) amenity land, routes, structural landscaping, inspection, replacement and lifetime maintenance.
Biodiversity	Any significant on site or off-site habitat security not adequately delivered by the statutory biodiversity net gain condition, with at least 30 years of management, reporting, remedial action and a defined responsible body.
Employment and Skills Plan	Construction Employment and Skills Plan with targets, delivery, reporting and proportionate monitoring.
Monitoring	ECC's stated £750 per obligation where evidenced, together with proportionate legal and monitoring costs and safeguards against double charging.

(b) the planning conditions as set out below:

1. Outline time limits

Application for approval of all reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development shall begin not later than two years from the date of approval of the final reserved matter.

2. Reserved matters

No development shall commence until details of the appearance, landscaping, layout and scale of the development, hereinafter called the reserved matters, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved reserved matters.

3. Approved access and plans

The means of vehicular access shall be carried out in accordance with drawing 130.PL03 Parameters Plan and the approved access drawings listed on the decision notice. No development other than site preparation approved under a construction plan shall take place until the access engineering details have been submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the access serving it is available for use.

4. Maximum quantum and land uses

The development shall comprise no more than 140 dwellings, of which 40 per cent shall be affordable housing, together with a village centre building providing no more than 400 square metres gross internal area within Use Class E(a), no more than 600 square metres gross internal area of flexible employment floorspace within Use Class E, and the open space, woodland, allotments, drainage, routes and infrastructure shown on the approved parameter plans. No change between those uses shall occur except with express planning permission.

5. Site wide phasing, masterplan and design code

Before the first reserved matters application is submitted, a site wide phasing plan, regulating masterplan and design code shall be submitted to and approved in writing by the Local Planning Authority. They shall define development parcels; housing and mixed use distribution; movement hierarchy; street types; density and height ranges; key frontages and spaces; access for emergency and service vehicles; walking, wheeling and cycling routes; parking and refuse principles; blue green infrastructure; retained vegetation; play, allotments and woodland; SuDS; utilities; biodiversity mitigation; delivery triggers; and design review arrangements. Every reserved matters submission shall include a compliance statement and shall accord with the approved documents.

6. Housing mix, space and accessibility

The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall have regard to the housing mix requirements as set out within the Maldon District Council Technical Advice Note (TAN) on Housing Mix, the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

The development shall include not less than 15% of the total number of dwellings as bungalows and not less than 5% of the total number of dwellings as self-build or custom-build homes, as defined by the Self-build and Custom Housebuilding Act 2015 (as amended). Each residential reserved matters application shall demonstrate how the proposed mix contributes towards achieving these site-wide requirements.

All dwellings shall meet Building Regulations M4(2) unless a site-specific technical reason is submitted to and approved in writing by the Local Planning Authority. At least 10% of the dwellings shall meet Building Regulations M4(3), with the distribution of affordable accessible dwellings to be agreed with the Local Housing Authority.

7. Levels, materials and boundaries

No above ground development within a phase shall commence until existing and proposed levels, finished floor levels, external materials, boundary treatments, refuse and cycle stores, utility structures, meter boxes and hard surfacing details for that phase have been approved in writing. The approved details shall be completed before first occupation of the relevant building and retained thereafter.

8. B1018 access and visibility

No dwelling or commercial floorspace shall be occupied until the principal access, junction radii, carriageway, pedestrian crossing points and visibility splays have been provided in accordance with the drawings approved under condition 3. The splays shall be kept permanently clear of obstruction above 600 millimetres, and the access shall thereafter be retained for its intended use.

9. Two metre footway

Before first occupation, a continuous two metre wide footway and associated crossing facilities shall be provided along the site frontage and connected to the existing network in accordance with details approved in writing. The route shall be lit, drained, available for public use and retained thereafter.

10. Pedestrian, cycle and emergency link

Before occupation of the dwelling identified in the approved phasing plan as the agreed trigger, the pedestrian, cycle and emergency connection between numbers 61 and 63 The Street shall be completed in accordance with approved engineering, surfacing, lighting, access control, drainage and management details. It shall remain available for walking, wheeling, cycling and emergency use and shall not be used for general vehicular access.

11. Extension of 30mph speed limit

No dwelling shall be occupied until the extension of the existing 30mph speed limit on the B1018 to a point west of the principal site access has been secured through the appropriate Traffic Regulation Order process and brought into effect, and the associated traffic signs, gateway treatment and road markings have been provided in accordance with details agreed with the Highway Authority.

The approved measures shall thereafter be retained in accordance with the requirements of the Highway Authority.

12. Public Rights of Way

No development which would affect Public Rights of Way 7, 8 or 10, or their connections through the application site, shall commence until a scheme for the protection and improvement of the relevant Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The scheme shall include, where applicable, details of surfacing, drainage, signage, accessibility, connections through the development, temporary diversions or alternative routes required during construction, and the timing and phasing of the permanent improvements.

No Public Right of Way shall be obstructed or made unavailable unless an authorised temporary or permanent alternative route is available for public use. The permanent improvements shall be implemented in accordance with the approved phasing and thereafter retained.

13. Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall contain and address the following matters:

- (a) Hours of use for the construction of the development

- (b) Hours and duration of any piling operations
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (e) Details of construction any access or temporary access, and details of temporary parking requirements
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- (g) Loading and unloading of plant and materials locations
- (h) Details of any temporary hardstandings
- (i) Details of temporary hoarding
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
- (m) For dust and air quality management and mitigation:
 - i. The identification of all dust-generating activities and sensitive receptors
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout), including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
 - iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
- (n) Measures for water management including waste water and surface water discharge
- (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of "biodiversity protection zones"
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and

- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP.

14. Residential Travel Plan

Prior to first occupation of the development, a full Residential Travel Plan shall be approved in writing, including objectives, mode share targets, measures, travel information packs, sustainable transport vouchers, management, monitoring, annual reporting, review and remedial measures. It shall be implemented from first occupation for the approved monitoring period.

15. Foul Water Drainage Strategy

- (i) No development shall commence until a strategic foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water (AW) and the Environment Agency (EA). The strategy shall provide a justification of the selected scheme having regard to the foul drainage hierarchy; identify the drainage system, agreed sustainable point of connection, receiving water recycling centre and, where relevant, receiving watercourse; assess available network and treatment capacity; and specify any required network or treatment works, phasing against available capacity, programme and delivery responsibility, and final confirmed method of foul drainage. Any proposed non-mains solution shall be supported by a completed Environment Agency Foul Drainage Assessment and shall not be implemented unless all necessary environmental permits and other consents have been obtained.
- (ii) Where the foul drainage strategy uses the public sewerage system, written confirmation from AW or an appointed New Appointment and Variation (NAV) operator shall be submitted to the Local Planning Authority prior to occupation confirming that the relevant sewer network and treatment works have been adopted and that capacity and connection are available for the development. Where a non-mains solution is approved, written evidence that the system has been installed and commissioned and that all required permits and consents are in force shall be submitted to the Local Planning Authority prior to occupation.
- (iii) No dwelling shall be occupied until the approved foul water drainage scheme has been implemented in accordance with the approved strategy.

16. Watercourse crossings and flood modelling

No development shall commence within eight metres of Sharps Farm Brook or any ordinary watercourse until final plans and cross sections of every crossing, hydraulic modelling, river condition assessment, bank treatment, foundation setbacks, soffit levels, construction sequence, culvert removal, channel restoration and maintenance access have been approved in writing by the Local Planning Authority in consultation with the

Environment Agency and Lead Local Flood Authority. Crossings shall be clear span unless otherwise expressly approved, and the approved works shall be completed before the relevant route is brought into use.

17. Flood levels and emergency plan

No development shall commence until a final site specific Flood Risk Assessment compliance scheme and Flood Emergency Plan have been approved in writing. They shall fix finished floor levels, flood resilient access, safe refuge and evacuation arrangements, responsibility for warnings and implementation, and demonstrate that the development will remain safe for its lifetime without increasing flood risk elsewhere. The approved measures shall be completed in accordance with the phasing and retained.

18. Detailed surface water drainage

No development shall commence until a detailed surface water drainage scheme has been approved in writing. The scheme shall use the drainage hierarchy and greenfield discharge rates; demonstrate the 1 in 1, 1 in 30 and 1 in 100 year plus 45 per cent climate change events; include 10 per cent urban creep; provide storage, treatment, exceedance routes and half drain time within 24 hours; address groundwater and infiltration through BRE365 testing; integrate biodiversity and amenity; and identify outfalls, consents and phasing. No building shall be occupied until the serving system is operational.

19. Construction surface water management

No phase shall commence until a construction surface water management plan has been approved in writing. It shall identify temporary drainage, settlement and treatment, protection of watercourses and sewers, fuel and chemical controls, exceedance, inspection, maintenance, incident response and the sequence for bringing permanent SuDS into operation. Construction shall accord with the approved plan.

20. SuDS maintenance and logs

Before first occupation of a phase, a maintenance plan for every SuDS feature serving that phase shall be approved in writing, identifying the management body, access, tasks, frequencies, funding and remedial procedures. Annual inspection and maintenance logs shall be kept for the lifetime of the development and supplied to the Local Planning Authority within 20 working days of a written request.

21. Archaeological programme

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured by an approved Written Scheme of Investigation. The programme shall include trial trench evaluation; any further mitigation strategy; excavation or preservation in situ; archaeological monitoring; post excavation assessment; analysis, publication and archive deposition. No phase shall proceed beyond the stage identified in the approved programme until the relevant work has been completed and confirmed in writing.

22. Trees and hedgerows

No development shall commence until a final Arboricultural Method Statement and Tree Protection Plan compliant with BS 5837:2012 has been approved in writing. Retained trees and hedgerows shall be fenced before clearance or construction and protected from storage, plant, excavation, service installation and level changes. Approved supervision and replacement planting shall be completed, and any retained or replacement specimen that dies or becomes defective within five years shall be replaced in the next planting season.

23. Green infrastructure and landscape management

Before the first reserved matters submission, a site wide Green Infrastructure and Landscape Strategy shall be approved in writing. It shall define retained vegetation, structural and early planting, the western and southern buffers, woodland, allotments, public open space, play, SuDS integration, pedestrian routes, phasing, establishment, irrigation, replacement, management responsibilities and annual inspection. Phase landscaping shall accord with that strategy and be completed before the first planting season following occupation of the relevant phase.

24. Ecological mitigation

The development shall be carried out in accordance with the mitigation and enhancement measures in the Ecology Report version 1.6, wintering and breeding bird surveys, updated walkover, river condition assessment and the measures relied upon in the Council's Appropriate Assessment. Before each phase begins, a phase ecological method statement shall be approved in writing addressing protected species, nesting birds, reptiles and amphibians, badgers, watercourses, hedgerows, root zones, timing, ecological watching briefs, responsibilities, inspection and corrective action. The approved measures shall be implemented in full.

25. Farmland bird compensation

Before any habitat capable of supporting skylark or other farmland birds is removed, a Farmland Bird Mitigation Strategy shall be approved in writing. It shall provide at least eight suitably located skylark plots or an equivalent evidence based measure, avoid conflict with public access and predation risk, identify the land and responsible body, and secure management, monitoring and remedial action for not less than ten years. It shall be implemented before the affected breeding season and retained for the approved term.

26. Biodiversity Construction Environmental Management Plan

No development shall commence until a Biodiversity Construction Environmental Management Plan has been approved in writing. It shall identify risk zones, protected habitats and species, retained vegetation and watercourses, precautionary methods, pollution controls, sensitive timing, ecological supervision, toolbox talks, exclusion fencing, incident response, compliance monitoring and reporting. The development shall accord with the approved plan.

27. Biodiversity enhancements

No development shall commence above slab level until a Biodiversity Enhancement Strategy providing integrated swift bricks, bat roosting features, hedgehog access, native planting, ponds and other habitat features appropriate to the approved metric and ecological evidence, has been submitted to and approved in writing by the local planning authority. The features shall be installed before occupation of the relevant buildings or completion of the relevant landscape area and retained thereafter.

28. Wildlife sensitive lighting

No external lighting shall be installed until a Lighting Design Strategy for biodiversity and amenity has been submitted to and approved in writing by the local planning authority. It shall identify sensitive receptors and dark corridors, specify horizontal and vertical illuminance, spectrum, shielding, mounting heights, hours and controls, and demonstrate no harmful illumination of retained hedgerows, watercourses, trees, habitats or neighbouring dwellings. Lighting shall be installed and operated only as approved.

29. Updated ecological surveys

Where a reserved matters submission or commencement of a phase occurs more than two years after the most recent relevant ecological survey, or where site conditions materially change, updated surveys and any necessary revised mitigation shall be submitted to and approved in writing before that phase commences. The approved mitigation shall be implemented in full.

30. Biodiversity Gain Plan and HMMP

The statutory biodiversity gain condition applies. Before any significant on-site habitat creation or enhancement identified in an approved Biodiversity Gain Plan commences, a Habitat Management and Monitoring Plan shall be approved in writing. It shall include baseline and target condition, creation and enhancement works, responsible bodies, a funding mechanism, management for at least 30 years, monitoring methods and success criteria, reports in years 1, 3, 5, 10, 15, 20, 25 and 30, and remedial or adaptive management. The plan shall be implemented and reports submitted as approved.

31. Recreational Disturbance / HRA mitigation

No development shall commence until a detailed Recreational Disturbance Mitigation Strategy and Long-Term Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall secure the mitigation measures relied upon in the Council's Appropriate Assessment and demonstrate how recreational effects upon the relevant Habitats sites will be avoided or mitigated, both alone and in combination with other plans and projects.

The Strategy shall include:

- a) the provision and specification of high-quality informal and semi-natural areas of public open space for recreational use;

- b) provision of a continuous circular dog-walking route of at least 2.7 kilometres within the site and/or incorporating appropriate connections with the surrounding Public Rights of Way network;
- c) details of the timing and phasing of the recreational mitigation, which shall ensure that the relevant provision is available prior to occupation of the dwellings which it is intended to serve;
- d) a long-term management and maintenance scheme identifying the responsible body, funding arrangements and management standards necessary to retain the mitigation for the lifetime of the development;
- e) interpretation boards and information for new residents promoting the on-site open space and Public Rights of Way as recreational destinations and explaining the sensitivity of the relevant coastal Habitats sites; and
- f) appropriate dog-management measures, including areas suitable for dogs to be exercised off lead and the provision and maintenance of dog-waste facilities.

The approved Strategy shall thereafter be implemented and the measures retained and managed in accordance with the approved details.

32. Contamination investigation

No development, other than works required for the purposes of site investigation, shall commence until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall establish the nature and extent of any contamination affecting the site, whether or not originating on the site, and shall be undertaken by competent persons.

The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of potential risks to human health, property, adjoining land, groundwater and surface water, ecological systems and other relevant receptors; and
- c) an appraisal of remedial options and identification of the preferred remediation approach where required.

The investigation and assessment shall be undertaken in accordance with current Environment Agency Land Contamination Risk Management guidance and other relevant technical guidance.

33. Contamination Remediation

Where the investigation required by the preceding condition identifies contamination requiring remediation, no development within the affected area shall commence, other than works required to undertake remediation, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify the remediation objectives and criteria, the remediation measures to be undertaken, a programme for their implementation and a verification plan.

The approved remediation shall be completed in accordance with the approved scheme and a verification report demonstrating its satisfactory completion shall be submitted to and approved in writing by the Local Planning Authority before occupation of the affected part of the development.

34. Unexpected contamination

If contamination not previously identified is found, work in the affected area shall cease and a competent person investigation, risk assessment, remediation method and verification plan shall be approved in writing. The approved remediation shall be completed and verified before development resumes in that area or the relevant building is occupied.

35. Village centre and employment delivery

Prior to occupation of the 71st dwelling, a delivery and occupation strategy for the village centre and employment floorspace shall be approved in writing, identifying the buildings and uses, servicing, parking, refuse, hours, fit out, marketing, delivery programme and fallback measures. The approved floorspace shall be completed and made available for occupation before occupation of the 111th dwelling and shall thereafter be retained for the approved uses unless otherwise authorised by a subsequent planning permission.

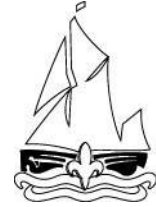
36. Fire access and water supplies

Each reserved matters application shall demonstrate compliance with current fire appliance access, turning, load bearing, clearance and water supply requirements. No dwelling or building shall be occupied until the approved access and hydrant or other water supply provision serving it is operational and available to the Fire and Rescue Service.

- (ii) 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 authority be delegated to the Director of Place, Planning and Growth to **REFUSE** the planning application.

There being no other items of business the Chairperson closed the meeting at 9.18 pm.

R G PRATT
CHAIRPERSON



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

to
DISTRICT PLANNING COMMITTEE
28 OCTOBER 2026

UPDATE REPORT

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	05.11.2026
Case Officer	Gareth Ball
Parish	TOLLESBURY WEST
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. INTRODUCTION

- 1.1 Application ref. 25/00381/OUTM was considered at the District Planning Committee on 5 August 2026. A motion to approve the application, in accordance with the Officers' recommendation, failed and a Member made a motion to refuse the application, but this was not seconded. A motion to defer the item was agreed, to allow Officers to consider the robustness of the potential reasons for refusal and give an opportunity for the applicant to provide further information on several concerns raised by the Planning Committee. This update report will highlight these matters.
- 1.2 Following the deferral of this application, an updated version of the National Planning Policy Framework (the NPPF) was published. The core direction of the NPPF remains largely unchanged; however, the structure of the NPPF has been overhauled, in addition to the presumption in favour of sustainable development being changed.
- 1.3 This report will set out responses / present updated information in relation to the topics which Members raised at the Committee meeting on 5 August. This report provides updates to the application's assessment in regard to the latest version of the NPPF.
- 1.4 The Committee report and Addendum that were considered by Members at the District Planning Committee on 5 August are attached at **APPENDIX 1** to this update report.

2. UPDATES FOLLOWING DISTRICT PLANNING COMMITTEE ON 5 AUGUST

2.1 The applicant has submitted the following further information:

- Briefing Note: Transport, produced by iTransport
- Briefing Note: Design, produced by Tor & Co
- Briefing Note: Ecology, produced by Wardell Armstrong/SLR
- Covering Letter by DLP Planning

2.2 The following are deemed relevant updates to material considerations on this application:

- The Section 106 legal agreement for application ref 25/01057/OUTM at Land Opposite Prentice Hall Farm, Prentice Hall Lane in Tollesbury was completed and the decision was issued on 22/09/2026.
- The outline application seeking up to 149 units at Land Rear Of 6 To 108 Mell Road (ref 26/00066/OUTM) was determined by Members with a 'minded to approve' decision at the District Planning Committee on 2 September 2026. The public inquiry for the appeal will take place starting on 1 December 2026. Notwithstanding the 'minded to' position, the appeal will still run its course. This would include any matters third parties are making to the appeal.
- On 12 October 2026, the Council published a revised Housing Land Supply (HLS) position for April 2026 of 4.15 years.

3. MATTERS RAISED BY MEMBERS AT THE 5 AUGUST DISTRICT PLANNING COMMITTEE

3.1 The following matters were raised by Members at the Committee meeting on 5 August, leading to the deferral of the application to allow the Applicant and Officers to provide further information to present to the Committee, prior to it reaching a decision.

3.2 Primary School Pedestrian Access

3.2.1 The Essex County Council (ECC) Education Department submitted original comments stating that there was no safe pedestrian route to the nearby Tollesbury Primary School and requested a financial contribution of £1,261,207.08 (index Linked to 2Q 2023) towards primary school transport provision. In response, the applicant submitted a Primary School Pedestrian Audit to demonstrate that there is a safe pedestrian route from the Site to the school. At the Committee meeting on 5 August, Members did not consider that there was a safe walkable route having particular regard to narrowness of the footways and road width on East Street in the location of the Kings Head public house in the historic village centre.

3.2.2 Following the deferral, the applicant has submitted a Transport Briefing Note, which advises that the applicant is willing, in principle, to accept the requested sum of money from the ECC Education Department. The Education Department confirmed on 22 September 2026 that upon review of the previously proposed pedestrian routes from the Site to Tollesbury Primary School, there would be no viable route for a child accompanied as necessary by an adult. The Education Department therefore require a primary school transport contribution in order to mitigate this to allow for children to be transported to the Tollesbury Primary School. The Highways Authority has also confirmed that they do not have any objection to this approach.

3.3 Sustainability and Infrastructure

- 3.3.1 During the Committee meeting on 5 August, Members questioned the ability of Tollesbury to accommodate the infrastructure requirements of the proposed development, especially when taking into account the cumulative impact of the other live applications in Tollesbury. Reference was made in the Committee meeting to Paragraphs 110 and 129 of the old NPPF and Local Plan Policy I1.
- 3.3.2 Paragraph 110 of the superseded NPPF version required development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Paragraph did however go on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
- 3.3.3 The thrust of Paragraph 110 is retained in the 2026 NPPF within Policy TR3 (Locating development in sustainable locations). NPPF Policy TR3 also contains the transport-related elements of Paragraphs 115 and 117 of the previous NPPF. **APPENDIX 1** noted in paragraph 5.2.15 that there would be an element of reliance on private motor vehicles. The new NPPF is similar to the previous version in this regard, requiring development to limit the reliance on private motor vehicle trips within TR3(a). The development succeeds in this, noting the limitations of the location. The Site does have good access to a wide range of local amenities as detailed within **APPENDIX 1**, and would provide good pedestrian, cycle and wheeled links into Tollesbury while encouraging walking in the significant areas of open space onsite. While it does not fall within their usual remit, the Highways Authority has noted that “essential village services are all within walkable distance”.
- 3.3.4 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)”. This approach is echoed by Local Plan Policy I1, which states 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”.
- 3.3.5 Paragraph 129 of the previous NPPF related to achieving appropriate densities onsite, ensuring that development makes efficient use of the land. Paragraph 129 had five subparagraphs (a) to (e). The requirements are broadly retained within Policy L3(1), which states that:
- “development proposals should make efficient use of land, taking 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”.*
- 3.3.6 Part 2(b) of Policy L3 goes on to state that in order to contribute to making efficient use of land “outside settlements, and on land at the edge of existing built-up areas which is allocated or has permission for development and so will form part of a

settlement (as defined in the glossary at Annex B), development footprints should make the best use of a site's development potential, taking into account the policies in this Framework". This part of the policy seeks to encourage increasing development density in order to best use land. This does not relate to the issues raised by Members.

- 3.3.7 Local Plan Policy I1 is unchanged since the deferral. The policy states that the Council will work with relevant partners and infrastructure providers to ensure existing infrastructure and services are protected and / or improved to meet the existing and future needs of the District. Part 2 of the policy further states that the Council will ensure that *"an appropriate level and type of infrastructure is provided for new developments where required to meet community and environmental need"*.
- 3.3.8 **APPENDIX 1** sets out various infrastructure mitigation requirements that would be secured through a Section 106 legal agreement. Local Plan Policy I1 addresses monetary contributions, stating 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"*.
- 3.3.9 The list of draft Heads of Terms in Section 8 of **APPENDIX 1** lists the infrastructure impacts that have been mitigated through securing financial contributions towards the relevant departmental body as listed. Each development site in Tollesbury secures its own set of financial contributions, which are calculated according to the scale of the development in order to offset the impacts of each development. If multiple developments in the same area were to come forward, there would be a cumulative set of financial contributions to offset the combined impacts. This methodology is widely accepted where no onsite mitigation is proposed and was accepted in the recent Spratts Farm appeal decision, which was determined under the new NPPF. That permission included similar contributions, including healthcare, education and school transport, bus services and other obligations. Subject to these financial contributions being secured, officers are satisfied that the Site and its surroundings would have sufficient existing and future infrastructure to accommodate the proposed development.
- 3.4 **Transport and Traffic Impact**
- 3.4.1 The application is supported by a Transport Assessment (TA) and a subsequent technical note to the TA. The technical note undertook an assessment of the cumulative impact of the three larger Tollesbury applications on multiple junctions, finding that all junctions assessed would be within capacity if all three developments were built out. Members were concerned on the reliability of information within the TA. Following the deferral, the Applicant has submitted a Transport Briefing Note, which sets out the following responses to matters raised at the District Planning Committee.
- 3.4.2 The assessment within the updated NPPF does not significantly change from the previous NPPF Paragraphs 115, 116 and 117. Crucially, Policy TR6 of the new NPPF maintains the need to consider potential cumulative impacts and maintains that a 'severe' adverse impact on the transport network or highway safety would need to be demonstrated for an application to be refused planning permission.

3.4.3 Main Road through the site

3.4.3.1 The technical note stressed the benefits of the northern vehicle access, allowing vehicles to utilise a secondary route, including providing access to the northern parts of Tollesbury while bypassing the sections of North Road near West Street. These are often single lane due to parked vehicles. The Highways Authority takes a neutral stance on this recognising limited benefits and disbenefits. It is recognised that the route is only likely be used by a relatively small number of vehicles. The Highways Authority states that they seek to limit the number of vehicle access points onto the highway for safety reasons; however, it should be noted that the access has been safety audited and raises no objections. The access onto North Road has placemaking benefits allowing for permeability in urban design terms for access and integration into the existing settlement and avoiding a cul-de-sac style development.

3.4.4 Resulting Impacts on Colchester Road

3.4.4.1 At the Committee meeting on 5 August, Members expressed concerns that a high number of vehicles associated with the proposed development would use Colchester Road, a Protected Lane, and other narrow routes to access Colchester. The submitted transport technical note has undertaken a brief analysis which assumes that half of all Colchester vehicle trips (23.1 per cent of all projected trips, taken over a 24-hour period) would use the North Road access route rather than the Tollesbury Road route. This analysis would result in 95 two-way trips via Colchester Road over the 24-hour period. The Highways Authority has reviewed this newly submitted information and do not agree with the findings, stating that the route is not attractive for drivers, who would be frustrated by this being a narrow road and due to difficulties for vehicles passing oncoming vehicles, thereby opting to use a route via classified roads. It is also considered unlikely that any significant number of trips from the developments under refs 25/01057/OUTM or 26/00066/OUTM would use the route along Colchester Road, due to the lack of the direct North Road access from those sites, which puts more preference on the Tollesbury Road route.

3.4.4.2 The applicant has submitted an ecology note and a heritage note as part of the additional information. Both included context on the Protected Lane. This was intended to set out that there would be no significant impact, even if the above identified level of trips were to use that route. The ecology note states that a review of the Department for Environment, Food and Rural Affairs (DEFRA) Magic website does not show any Habitats of Principal Importance (HPI) or other designated sites on or adjacent to the Colchester Road Protected Lane. The submitted note also states that the immature trees and intermittent hedgerows on the road “*do not appear to be species rich, and unlikely to be HPI and would be unlikely to fit the biodiversity criteria for Important Hedgerows under the Hedgerow Act 1997*”. Furthermore, given the distance there is no expected impact from the construction process.

3.4.4.3 It is considered that a few to no trips would be undertaken along Colchester Road, favouring the route via Tollesbury Road as the primary route that users of the site would use to access and egress the site. If Members were to consider a different conclusion, the applicant suggests that the number of trips in a worst-case scenario would be no more than 95 two-way trips per day along the Protected Lane (Colchester Road), which would not result in any significant ecology impacts on the Protected Lane, nor would this result in more than limited heritage harm to the lane as a non-designated heritage asset.

3.4.5 Road Safety

3.4.5.1 The TA included an assessment of Personal Injury Accident (PIA) data, which found that there are no specific road safety problems in the local area and surrounding streets. This was supported by the Highways Authority. Following the Committee meeting on 5 August, the submitted transport note includes updated information obtained from ECC. In the period following the previous assessment, until 30 June 2026, one additional collision has been recorded which comprises a home delivery van colliding with a pedestrian while reversing. This was caused by driver error and not any highway deficiency.

3.4.5.2 Officers remain satisfied that there are no inherently dangerous sections of public highway or any other safety concerns which would weigh against the application.

3.4.6 Construction Traffic Management Plan

3.4.6.1 During the Committee meeting on 5 August, Members raised an issue with construction traffic using North Road, Colchester Road, Back Road and Chapel Road; stating that these roads do not have capacity for construction traffic and some are subject to a 7.5-ton weight restriction.

3.4.6.2 The applicant has agreed that a Construction Traffic Management Plan (CTMP) could be applied; however, officers recommend amending the Construction Environmental Management Plan (CEMP) under Condition 9 to include details of construction vehicle routes, which would then be agreed prior to the construction work taking place and therefore a route avoiding North Road, Colchester Road, Back Road and Chapel Road can then therefore be secured.

3.5 **Cumulative Impact on the Character of Tollesbury**

3.5.1 **APPENDIX 1** sets out the assessment of Landscape and Visual Impact in Section 5.6. The cumulative impact is considered in paragraphs 5.6.15 and 5.6.16. As noted, there is limited cumulative impact, constrained to a localised area of people travelling on West Street. The applications would certainly have an impact on the footprint of the existing village; however, this in itself does not form a reasonable reason for refusal. The impacts on how the village is viewed and perceived must be identified and assessed accordingly. This was done through the submission of the Landscape Visual Impact Assessment, with due harm being noted and accounted for within the planning balance.

3.5.2 Officers note Paragraph 47 of the Spratts Farm appeal decision, which considered NPPF Policy N2, stating that *“the development would infringe Maldon District Council (MDC) Local Development Plan (MLP) Policy S8 because building a suburban housing development on part of an open field would not ‘protect’ the countryside. However, NPPF Policy N2 (as per previous paragraph 187 b) of the 2024 NPPF) does not ‘protect’ the countryside for its landscape or intrinsic character and beauty, which Policy S8 specifically endeavours to do; it merely ‘considers’ the environmental qualities of land proposed for development including the natural beauty of the countryside, which is not the same as protecting it. This means that even if this level of harm was considered significant and unacceptable, I would attribute only limited weight to the conflict with MLP Policy S8”*.

3.5.3 That appeal decision found moderate landscape harm (a lower level than the major/moderate adverse landscape effect identified on this application) but the Inspector considered that level to *“not be significant or unacceptable”* and attributed only limited weight under the policy framework of the new NPPF. Given the higher

level of harm, visual impacts, and noting the relatively localised main impacts, officers maintain that moderate adverse weight should be afforded in the planning balance. Policies N2 and N5 within the updated NPPF would be complied with in this regard.

- 3.5.4 NPPF Policy DP3(1) replicates much of the old NPPF Paragraph 135 – it requires development proposals to respond to the history, character and features of a site's context in order to integrate with the surroundings. The policy states that this can be achieved through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. The general type of development is reflective of the Site's surroundings. The detail would need to be assessed at reserved matters stage. NPPF Policy DP3(2) sets out seven criteria which are the principles of creating well-designed places. These comprise liveability, climate, nature, movement, built form, public space and identity. The design related aspects of this would need to be assessed at reserved matters stage.

3.6 Fire Servicing

- 3.6.1 During the planning committee meeting, a Member raised that the Essex County Fire and Rescue Service (ECFRS) comments included reference to the availability of nearby fire hydrants. The ECFRS comments included the following relevant section:

“Following a review of these documents you are advised that due to what would be considered an excessive distance to the nearest existing statutory fire hydrant, it is considered necessary that additional fire hydrants are installed within the curtilage of the proposed site. Should the development proceed, once we receive the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided.”

- 3.6.2 As stated within the comments, this matter would be resolved subsequently to a planning consent, between the Water Authority, ECFRS and the developer. Building Regulations Approved Document B secures fire hydrant requirements in Section B5, including the requirement for additional hydrants to be installed if a building is being erected more than 100m from an existing fire hydrant.
- 3.6.3 Policy DM7 of the NPPF directs decision makers to “assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively”. Part 2 of the policy goes on to state that “planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13)”.
- 3.6.4 Officers are satisfied that the matter can be addressed outside of this planning application, through building regulations and direct contact with the ECFRS. Officers therefore suggest that a condition requiring the location of fire hydrants is not necessary.

3.7 Anglian Water Capacity

- 3.7.1 During the Committee meeting on 5 August, Members questioned whether there is sufficient capacity in the local sewer system to accommodate the additional flows from the multiple live applications in Tollesbury. Officers re-consulted Anglian Water, who subsequently advised that the 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 and the other relevant Tollesbury developments (refs 25/00207/OUTM,

25/01057/OUTM, 26/00066/OUTM and 26/00161/OUTM). Officers are satisfied that there is sufficient drainage infrastructure to accommodate the proposal in a worst-case scenario, if the live applications in Tollesbury were to be fully built out to utilise current infrastructure.

- 3.7.2 At the request of Anglian Water, **APPENDIX 1** included a condition requiring the submission of a Strategic Foul Water Strategy, prior to the commencement of development. This will ensure that a sustainable point of connection to the drainage network can be established.

3.8 Assessment of the Updated NPPF

- 3.8.1 As previously stated in this report, the new NPPF makes some substantial changes to the layout of the document, but the thrust of the policy base remains largely the same except being more pro-development than the previous version, including the presumption in favour of sustainable development tilting the balance to weigh substantially in favour of sustainable development in comparison to the previous significant tilt in favour. This was also the view of the Inspector on the recently allowed appeal at Spratts Farm (MDC ref 25/00206/OUTM, Planning Inspectorate ref. 6005664). In Paragraph 4 of that decision, the Inspector stated:

“Just before this decision was issued, on 17 August, the Government issued the new revised version of the National Planning Policy Framework (NPPF). I do not consider that there is any need to revert to the main parties regarding this because the new policies for decision making in it do not substantially alter the national policies in the previous NPPF version, certainly not that would benefit the Council’s or any third party’s cases. Obviously, any reference to the NPPF refers to the policies within this new version.”

- 3.8.2 It should also be noted that the application seeking 149 dwellings in the eastern part of Tollesbury (MDC ref. 26/00066/OUTM) was considered by the District Planning Committee at its meeting on 2 September 2026, where Members resolved to be ‘minded to grant’ permission if that application was not at non-determination appeal. The Committee report for that application was assessed against the policies in the 2026 NPPF.
- 3.8.3 The 2026 is a material consideration in the determination of this application. For ease of reference, Officers have provided an assessment of how the updated NPPF affects the key considerations below.
- 3.8.4 **APPENDIX 1** lists the relevant paragraphs of the old NPPF in Section 7. These should be replaced with the follow updated policies of the 2026 NPPF:

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

- 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

3.9 Principle of Development

3.9.1 Five-Year Housing Land Supply (5YHLS)

3.9.1.1 There is no change to the use of the Standard Method in calculating the 5YHLS as calculated in **APPENDIX 1**. The Council cannot currently demonstrate a 5YHLS. The assessment has now been inserted into the NPPF, contained within Policy HO1 and Annex D. This was noted by the Inspector in deciding the recent Spratts Farm decision, which was determined after the new NPPF was published.

3.9.1.2 NPPF Policy HO7 directs that “substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community”. In the absence of a 5YHLS and shortfall of affordable housing delivery, Policy HO7 applies to this application.

3.9.2 Presumption in Favour of Sustainable Development

3.9.2.1 The previous NPPF directed the decision maker to approve development which benefits from the presumption in favour of sustainable development unless there was a strong reason for refusal (under the old Footnote 7) or if the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits. **APPENDIX 1** concluded that there would be no strong Footnote 7 reason for refusal and that the adverse impacts would not significantly and demonstrably outweigh the benefits.

3.9.2.2 Policy S3 of the new NPPF sets out that the presumption in favour of sustainable development is applied separately to development within and outside of the settlement boundary. The application Site is located outside of Tollesbury settlement boundary, so NPPF Policy S5 sets out the forms of development which would benefit from the presumption outside of a settlement. Part (j)(i) of that policy relates to:

“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”.

3.9.2.3 The Council cannot demonstrate a 5YHLS, the proposal would be adjacent and well-related to the existing development in Tollesbury, and the scale of proposed development can be accommodated by existing or proposed availability of infrastructure. The development therefore meets the relevant criteria for this form of development and the considerations under Policy S5 are engaged.

3.9.2.4 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 .
F9(1)/(3)	N/A – the Site is not located within a Coastal Change Management Area .

3.9.2.5 Officers have noted that Policy F9 was not included in the original committee report list by error; however, the application is not within a Coastal Change Management Area and Policy F9 therefore does not apply.

3.9.2.6 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 must however consider all material considerations, including all relevant policies within the NPPF, not only those in the above table.

3.10 Open Space, Landscaping and Children's Play Space

3.10.1 MDC does not have any local standards for recreation and open space.

3.10.2 Policy HC3 in the new NPPF directs that where a development plan does not set locally specific standards for recreational land and facilities, 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.

3.10.3 The Fields in Trust green space calculator requires a minimum of 2.04ha of green space for the proposed development, on the basis of 159 new dwellings. This

includes a further breakdown within the 2.04ha, which can be dictated at reserved matters stage. The development includes 3.6ha of green space and can clearly significantly exceed the requirements. Noting the scale of provision, officers still recommend giving moderate weight to this benefit.

3.11 Considerations Significantly Unchanged

- 3.11.1 **Affordable Housing** – No significant change in considerations. Officers have had regard to the requirements of the updated NPPF, including Policy HO8. The policy change does not make any change to considerations on affordable housing.
- 3.11.2 **Unit Size Mix** – Officers position has not changed, recommending a condition to secure the unit size mix to comply with the most up-to-date Local Housing Needs Assessment, to inform the detailed layout at reserved matters stage. Policy HO8(3) of the new NPPF allows for flexibility in the unit size mix of market homes where an application meets or exceeds the requirements for proportion and mix of affordable housing tenures.
- 3.11.3 **Quality of Proposed Accommodation** – No significant change in considerations. NPPF Policy P3 reiterates the previous Paragraphs 187(e) and 198, which are also covered by Local Plan Policy D1.
- 3.11.4 **Impact on Heritage Assets and Archaeology** – No significant change in considerations. The updated NPPF does not change the scope of heritage assets to be considered. The heritage assessment under Paragraphs 207 to 221 of the previous NPPF has been replaced by Policies HE4, HE5, HE6, HE7 and HE9. Officers maintain the same level of harm to heritage assets, which is noted in the planning balance.
- 3.11.5 **Impact on Amenity** – No significant change in considerations. Taking NPPF Policy P3 into account, the matters have already been considered.
- 3.11.6 **Ecology and Biodiversity** – No significant change in considerations. Policies N2 and N6 in the updated NPPF maintain the same general approach to assessment. Equally, there is no change in the approach to European and other Protected Sites, or mandatory 10 per cent Biodiversity Net Gain (BNG).
- 3.11.7 **Drainage and Flood Risk** – No significant change in considerations. The updated NPPF directs considerations of sequential testing, drainage and flood risk through Policies F4, F5 and F7. These policies capture the same approach as the previous NPPF, as supported by the Planning Practice Guidance.
- 3.11.8 **Minerals and Waste** – No significant change in considerations. NPPF Policy M6 requires non-mineral development not to constrain potential future use for mineral working in a Mineral Safeguarding Area and requires Local Planning Authorities to consult the Mineral Planning Authority. The Mineral Planning Authority was consulted as part of the application, considered the application under the relevant policies of the Essex Minerals Local Plan, and concluded that there would be no unacceptable impact on the Mineral Safeguarding Area when noting the portion of the Site which would not be workable due to a standoff from nearby housing. The application complies with the relevant policies of the updated NPPF.
- 3.11.9 **Health** – No significant change in considerations. Policy HC3 of the updated NPPF sets out that developments should provide infrastructure to make the development acceptable in planning terms but allows for this to be done through contribution to off-site improvements.

- 3.11.10 **Air Quality** – No significant change in considerations. The application was supported by an Air Quality Impact Assessment which is supported and would meet the requirements of Policy 3(2)(c) of the updated NPPF, which generally reintroduces the requirements under the old Paragraph 199.
- 3.11.11 **Land Contamination** – No significant change in considerations. Paragraphs 196 and 197 of the old NPPF are reiterated through NPPF Policy P2. There are no additional requirements.
- 3.11.12 **Energy and Sustainability** – No significant change in considerations. The new NPPF Condition CC3 would be addressed by the recommended condition.

4. UPDATED PLANNING BALANCE AND CONCLUSION

- 4.1 Taking the above assessment into account, Officers conclude that the presumption in favour of sustainable development is engaged, in accordance with the requirements of NPPF Policies S3 and S5. NPPF
- 4.2 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”.
- 4.3 The assessment of this planning balance is set out below, taking into account all material considerations.
- 4.4 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):
- 4.5 Social Benefits
- The provision of 159 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. Officers have amended this benefit from significant to substantial weight following the Spratts Farm appeal decision based on the new NPPF.
 - New communal open space (including the Suitable Alternative Natural Greenspace (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. Officers give this benefit moderate weight.
- 4.6 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.

4.7 Environmental Benefits

- Creation of c. 3.6ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 20.9 per cent habitat units and 47.33 per cent hedgerow units, which is 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 on Footpaths 4 and 17 within the site. Officers give limited weight to this benefit.
- The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use Air Source Heat Pumps and solar photovoltaic panels to utilise sustainable energy generation within the development. This approach aligns with national sustainability aims and Officers give this benefit moderate weight.

4.8 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 'major/moderate' adverse landscape effects to the immediate context/local landscape setting and up to 'major/moderate adverse' visual effect. Noting the magnitude of the adverse impacts identified, Officers give this harm significant weight.
- Loss of 9.24ha of agricultural land. Noting the large amount of grade 3 agricultural land within the District, Officers give limited weight to this harm.
- A low level of less than substantial harm to the Tollesbury Conservation Area and the grade II listed 76 West Street and a limited harm to the Non-Designated Heritage Asset (NDHA) Protected Lane Colchester Road.

4.9 Weighing the above benefits and harms of the development, Officers conclude that the substantial benefits would not be substantially outweighed by any of the identified adverse effects.

4.10 Following the deferral of the application and assessment of additional information in response to Members' queries, Officers recommend that (with reference to the conditions within the original Committee report and addendum, attached at **APPENDIX 1** of this report, as amended by the conditions within this report) the District Planning Committee:

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 **APPENDIX 1** and the updated Heads of Terms as set out in section 6 of this report.

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) Direction 2026.

5. CONSULTATIONS AND REPRESENTATIONS RECEIVED

5.1 Statutory Consultees and Other Organisations

- 5.1.1 Following the District Planning Committee on 5 August, the following new consultee comments were received:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	Clarification that there is sufficient infrastructure to accommodate cumulative increase.	Noted.
Essex and Suffolk Water	The network does not have existing capacity; however, Essex and Suffolk Water have no objections to this development and in accordance with our statutory obligations, we will facilitate a connection to our water network for the proposed development. The application should demonstrate how they source construction groundwater.	Noted. Condition 44 added to include groundwater sourcing details.
ECC Highways	No objection, including no objection having reviewed the submitted transport technical note.	Noted

5.2 Representations received from Interested Parties

- 5.2.1 Following the District Planning Committee on 5 August, three new public representations have been received. The representations object to the development. No new considerations are raised that were not stated in the previously considered representations.

Objection Comment	Officer Response
The application has not identified any details of a Sustainable Point of Connection to the foul drainage network.	Condition 27 is recommended to secure these details.
Application ref 26/00161/OUTM should be considered.	As detailed in this report, Anglian Water have confirmed that the WRC has sufficient capacity, including application ref 26/00161/OUTM. A specific update on that

Objection Comment	Officer Response
	application was not requested of Anglian Water.
The submitted BNG Metric is out of date and should be updated.	The report is acceptably recent and any changes to the site from that pre-development baseline would be taken into account, as per national requirements.
Essex and Suffolk Water state that the network does not have sufficient capacity to accommodate the application and that they are in communication with the applicant. They do not comment on the combined effect of the different planning applications. These comments were omitted from the original committee report.	Comments were received late in the process and are included within the "Statutory Consultees and Other Organisations" table within this Update Report for clarification. They advise that there is no objection to the application and that they will facilitate a connection to the water network in accordance with their statutory obligation.
The use of Q3 2024 index linked figures is out of date. There is a discrepancy in the cost per place of the Early Years and Childcare contribution.	The figures represent those used by the Education Authority and are index linked so that the value is maintained over time. Clarification is being sought regarding the £14.01 cost discrepancy per place.
The LVIA does not sufficiently consider the residential views of adjoining properties.	This matter is considered in Paragraph 5.6.13 of the committee report for 5 August 2026 District Planning Committee.

6. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

UPDATED HEADS OF TERMS

- 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.
 - A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
 - Affordable Housing – 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.
 - 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.

- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £450,000
- Education contributions including:
 - Early years childcare financial contribution of £286,043, index linked to Q3 2024
 - Secondary education financial contribution of £874,246, index linked to Q3 2024
 - **Primary school transport contribution of £1,261,207.08, index linked to Q2 2023**
 - Secondary school transport contribution of £189,114.60, index linked to Q2 2023
 - Libraries financial contribution of £12,370.20, index linked to April 2020
 - Employment and Skills Plan
 - A £700 monitoring fee per obligation
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution of £175.55 per dwelling (up to £ 27,912.45 total).
 - Provision of 3.6ha Suitable Alternative Natural Green Space (SANG)
 - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £119,400
- 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:
- TOR-PP-001 Land Use Plan, received 23/07/2026
 - TOR-PP-002 Rev A Building Heights Plan, received 23/07/2026
 - TOR-PP-003 Site Location Plan
 - TOR-PP-005 Rev A Open Space Parameter Plan
- REASON To ensure that the development is carried out in accordance with the details as approved.
- 5 Housing Unit Size Mix (AMENDED in the Addendum to the Committee meeting on 5 August)**
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 to meet the Local Housing Needs Assessment for the District, 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 Environmental Management Plan (CEMP) AMENDED**
- No development, including demolition, site clearance or preliminary groundworks shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain and address to the statutory industry standards of health and safety regulations, professional codes of practice, cost frameworks, and quality management systems, the following matters:
- (a) Hours of use for the construction of the development including deliveries
 - (b) Hours and duration of any piling operations
 - (c) Vehicle haul routing in connection with construction, remediation and engineering operations. This shall avoid the use of North Road, Colchester Road, Back Road and Chapel Road
 - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
 - (e) Details of construction of any access or temporary access, onsite haul roads, and details of temporary parking requirements
 - (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
 - (g) Loading and unloading of plant and materials locations
 - (h) Details of any temporary hardstandings
 - (i) Details of temporary hoarding
 - (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
 - (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
 - (m) For dust and air quality management and mitigation:
 - i. The identification of all dust-generating activities and sensitive receptors, and appropriate mitigation at boundary interfaces where identified including timber/steel panels, scaffolding, dust/debris netting/mesh
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout) including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
 - iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
 - iv. Details of any groundwater sourcing for construction activities, including any temporary connections to the public water network, deliveries or onsite abstraction for water supply purposes for the construction phase. Mitigation measures to minimise the use of water shall also be submitted.
 - (n) Measures for water management including wastewater and surface water discharge
 - (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
 - (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development

- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of “biodiversity protection zones”
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and
- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP. 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, N2 T1 and T2 of the Maldon District Local Development Plan (2017) and Policies p3, P4, TR4, TR6 and F8 of the National Planning Policy Framework (2026).

10 Primary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the primary site access on the B1023 West Street shall be provided with visibility splays as shown in i-Transport’s Drawing ‘ITB15549-GA-007 Rev O’. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

11 Primary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, details of the access arrangements and off-site highway works for the primary site access on West Street, as shown in principle on i-Transport’s Drawing ‘ITB15549-GA-007 Rev O’, 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:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the western side of the proposed access road and a segregated 5m footway / cycleway on the eastern side;

- A 2 metres footway on the north side of West Street linking the proposed site access road with Public Footpath no 3 to the west of the site;
- A 4 metre wide segregated footway / cycleway on the north side of West Street to link with a new dropped kerb crossing (together with tactile paving) of West Street to the east of the site access;
- Extension of the 30mph speed limit to the west of the site entrance (with precise location to be agreed with the Highway Authority) and provide a new gateway feature with appropriate signing and line markings as necessary;
- In addition to the above, provision of a 3m shared use pedestrian footway / cycleway running from the aforementioned crossing of West Street to the east of the site access, along the southern side of West Street for approximately 230m, with appropriate signing, lining and tactile paving.

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 Secondary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the secondary site access on North Road shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-002 Rev H'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

13 Secondary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, the access arrangements and off-site highway works for the secondary site access on North Road, as shown in principle on i-Transport's Drawing 'ITB15549-GA-002 Rev H', 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:

- Subject to approval by Essex Highways, a dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the southern side of the proposed access to connect with the existing pedestrian facility on North Road and leading into the proposed segregated 5m footway / cycleway within the site;
- Vegetation clearance and carriageway widening of North Road together with advance warning signs of the proposed site 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).

14 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 Authority. The bus stop improvements shall include the following:

- Provision of painted new bus cage, raised kerbs, pole and flag with timetable display on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary and dropped kerb (together with tactile paving) of the access to 76a West Street;
- Provision of a painted new bus cage, shelter, raised kerbs, pole and flag with timetable display on the southern side of West Street, for westbound buses, with appropriate footway and hardstanding as necessary;
- Provision of a freestanding Real Time Passenger Information sign 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 and ensure an acceptable impact on townscape and heritage assets, in accordance with Policies S1, D1, D3, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

15 West Street Crossing

Prior to first occupation of any dwelling in the development hereby approved, and as shown in principle in Drawing 'ITB15549-GA-014' of the Transport Assessment, the developer shall provide dropped kerb crossings together with tactile paving on West Street at its junction with North Road and Elysian Gardens. The crossing shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide pedestrians and the mobility impaired with safe accessibility to the centre of Tollesbury, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

16 Public Footpath Works

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath Nos. 4 and 17 (Tollesbury parish) within the application site shall be submitted to and approved in writing by the Local Planning Authority. 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 Policies T1 and T2 of the Maldon District Local Development Plan (2017).

17 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 in consultation with Essex County Council. 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).

18 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 hereby approved 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).

19 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.

20 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.

21 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.

22 Boundary Treatment

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, 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.

23 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:

- Limiting discharge rates to 1.12l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be implemented prior to the first occupation of any dwelling hereby permitted and then retained and maintained throughout the lifetime of the development.

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.

24 Offsite Flooding

No works 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.

25 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.

26 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.

27 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 in consultation with Anglian Water. The strategy shall identify a Sustainable Point of Connection to the public foul network.

Prior to occupation, the Strategic Foul Water Strategy shall be fully carried out in complete accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby approved,

REASON To protect water quality, prevent pollution and secure sustainable development in accordance with Policy D5 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

28 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 written 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.

29 Phase 2 Contaminated Land Investigation

Prior to the commencement of any development hereby approved, 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 include timescales and phasing of remediation works and the following:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- (iii) An appraisal of remediation options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works.

This investigation shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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.

30 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.

31 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.

32 Public Open Space Provision

A scheme for the proposed area of public open space shall be submitted in writing 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 'TOR-PP-005 Rev A Open Space Parameter Plan'. 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.

33 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.

34 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 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).

35 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).

36 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.

37 Photovoltaic Panels

Prior to the occupation of any dwelling hereby approved to which photovoltaic panels are proposed, full details of any photovoltaic panels, mounting frames and any associated equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- Panel dimensions and specifications
- Height above roof level (demonstrated through section drawings)
- Colour, finish and surface treatment
- Mounting angle and method of installation
- Inverter units, switchgear and supporting infrastructure

The photovoltaic panels shall be installed prior to the first occupation of the relevant dwelling which they are attached to, and retained in accordance with the approved details thereafter for the lifetime of the development.

REASON To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure an appropriate design to protect the character of the area, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

38 Mitigation Measures

The development, including construction, hereby approved shall be carried out in accordance with the details contained in the Technical Note – Ecology Walkover Assessment (Wardell Armstrong, March 2025), Breeding bird report (September 2025), Bat Survey (2021) report (Wardell-armstrong, October 2023) Preliminary Ecological Appraisal (Wardell Armstrong, October 2023), Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025).

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 Natural Environment and Rural Communities (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 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.

40 Farmland Bird Compensation Strategy

Prior to the commencement of any development hereby approved, a Farmland Bird Compensation Strategy shall be submitted to, and approved by, the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

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

- purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;

- detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- locations of the compensation measures by appropriate maps and/or plans;
- persons responsible for implementing the compensation measure.

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

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.

41 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.

42 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).

43 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).

44 Construction Groundwater Sourcing

Prior to the commencement of the development hereby approved, details of the source of water for construction purposes have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include:

- All proposed sources for water supply for construction activities

- Details of any temporary connections to the public water network or alternative sources such as deliveries or onsite abstraction
- Mitigation measures to minimise the use of water and prevent adverse impacts on the public network The approved details shall be implemented and complied with for the duration of the construction phase.

REASON To ensure that adequate water supply is available for construction purposes without adversely affecting the integrity and capacity of the local water supply network, in accordance with Policies S1, D1 and I1 of the Maldon District Local Development Plan (2017) and the relevant parts of the NPPF.

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. Anglian Water

Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Officers note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with the Council, therefore Officers cannot comment, at this stage, on the proposal's suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA) form available on our website Sustainable drainage systems (anglianwater.co.uk), or please contact planningliaison@anglianwater.co.uk.

The lead local flood authority is the statutory consultee for all surface water drainage systems on major developments and should be contacted as soon as possible regarding the proposal.

3. ECC Highways

The Highways Authority (ECC Highways) advise 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 planning application 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 Tollesbury public footpath nos. 4 and 17 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.

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details to be agreed with the Highway Authority).

The internal proposals should be in accordance with Maldon District Council's adopted vehicle and cycle parking standards.

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 carriageway.

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.

4. 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 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.

5. 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 30 April 2025.

6. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 1 May 2025) when considering the detailed design at reserved matters stage.

This page is intentionally left blank



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

to
**DISTRICT PLANNING COMMITTEE
5 AUGUST 2026**

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.

1. RECOMMENDATION

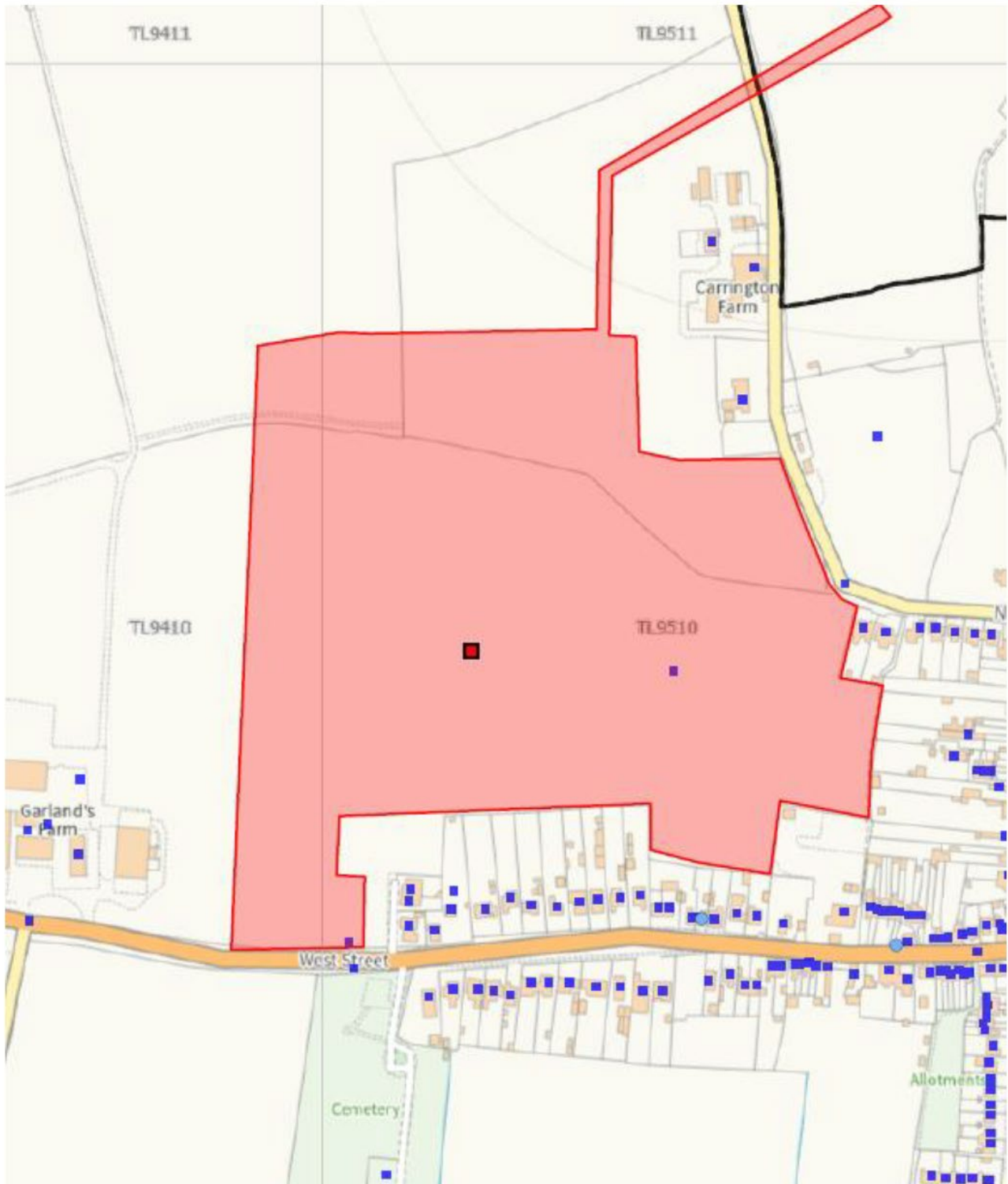
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions 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) Direction 2026.

2. SITE MAP

Please see below.

25/00381/OUTM – Land North Of West Street – Tollesbury



3. **SUMMARY**

3.1 **Proposal / brief overview, including any relevant background information**

The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is a c. 10.87-hectare area of land located on the western side of Tollesbury, bounded by open countryside to the west. The southern boundary abuts a mix of West Street and the rear of residential properties on West Street. The eastern boundary adjoins North Road and the rear/side of properties on North Road. There is a commercial garage on West Street, to the southeast of the Site.
- 3.1.2 The Site is outside the settlement boundary, which runs directly to the south of the Site, and is existing agricultural use.
- 3.1.3 There are three nearby Public Rights of Way (PRoW):
- Footpath Tollesbury 3 runs north-south, 80m to the west of the Site.
 - Footpath Tollesbury 4 runs east-west, through the northern portion of the Site.
 - Footpath Tollesbury 17 runs along the eastern boundary, along the rear of existing properties on North Road
- 3.1.4 Nearby heritage assets include:
- Tollesbury Conservation Area is located adjacent to the easternmost Site boundary.
 - Grade II listed 76 West Street is located in the western part of the ribbon development on West Street to the south.
- 3.1.5 Other factors impacting the Site are:
- The Site is located in Flood Zone 1, which has the lowest flood risk of the zones.
 - There are no trees with a Tree Preservation Order (TPO) on or adjacent to the Site.
 - The Site is located c. 1.2km from the Blackwater Estuary RAMSAR, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. It is within the Zone of Influence (Zol) and the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) therefore applies.
 - The Site is wholly located within a sand and gravel Mineral Safeguarding Area (MSA).

The proposed development

- 3.1.6 The submitted planning application seeks:

“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.”

- 3.1.7 The application is made in outline, with 'means of access' included for consideration. The following matters are reserved and therefore are not for consideration within the current submission:
- Appearance
 - Landscaping
 - Layout
 - Scale
- 3.1.8 The proposal for up to 159 dwellings including 40 per cent affordable housing. The submitted parameter plans propose housing areas in the south and centrally within the site. The building heights parameter plan proposes up to 2.5 storeys, dropping to up to 2 storeys where the Site backs onto existing housing on West Street and North Road.
- 3.1.9 Vehicle and pedestrian access would be from West Street on the southern site boundary and in the northeast of the Site off North Street. Additional pedestrian accesses are proposed onto adjoining PRoW.
- 3.1.10 The western and northern areas of the Site, which back onto further existing green space, would be informal open space (to include the SANG area) and areas required for drainage attenuation. A belt of woodland is proposed on the north and western site boundaries for screening. A linear green park would run through the centre of the Site east-west, which also incorporates two areas of children's play space. The Site has a short area branching off to the northeast which is shown as a 'drainage infrastructure corridor'.

3.2 Conclusion

- 3.2.1 The application seeks outline planning permission for up to 159 homes. The site is located outside the settlement boundary of Tollesbury and is therefore contrary to the spatial strategy of the Local Plan. The Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS). As such, the housing policies most important to the determination of the application are out of date. Paragraph 11d of the National Planning Policy Framework (NPPF) (the Tilted Balance/Presumption in favour of Sustainable Development) is therefore engaged and permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 3.2.2 The proposal would provide up to 159 dwellings, including policy-compliant affordable housing secured by condition. The unit size mix would also be secured to accord with the most recent Local Housing Needs Assessment (LHNA). This would provide a significant social benefit through the delivery of market and affordable housing in a sustainable larger village location.
- 3.2.3 Two main vehicle/pedestrian accesses are proposed – one from West Street to the south and one to North Road, in the northeast. Essex County Council (ECC) Highways raise no objection, subject to conditions and obligations. The proposal would tie into two PRoW, which would have improvements secured by a planning condition, in addition to required bus stop improvements, a Travel Plan and financial contributions towards improving public transport regularity. Officers are satisfied that the development would not result in a severe residual cumulative impact on the highway network having regard to other similar development adjoining Tollesbury.

- 3.2.4 The application seeks to develop a greenfield site in the open countryside. The application was supported by a Landscape and Visual Impact Assessment (LVIA), which was reviewed by an external consultant as part of the determination process. The proposal would result in 'major/moderate adverse' landscape effect and a level of up to 'major/moderate' adverse visual impact in the worst-case scenario, which are stretches of multiple PRow which run through the Site. Officers have also identified a low level of less than substantial harm to the Tollesbury Conservation Area and the Grade II listed 76 West Street. This harm must be weighed against the public benefits of the proposal. There would be a limited level of harm to the Protected Lane Colchester Road, which is being considered as a non-designated heritage asset.
- 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. The submitted parameter plans include an east-west linear park running through the Site, which would contain two children's play spaces. The northern and western areas of the Site would connect with existing PRow and provide informal communal open 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 significantly and demonstrably outweigh the benefits of the development, including the provision of 159 homes when the Council cannot demonstrate a 5YHLS. Therefore, Officers recommend that approval is granted in accordance with the 'tilted balance' in the NPPF, 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 (NPPF) including paragraphs:

- Chapter 2 Achieving sustainable development
- Chapter 3 Plan-making
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land

- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment
- Chapter 17 Facilitating the sustainable use of minerals

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), and Paragraph 47 of the NPPF 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. 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.

Five-year Housing Land Supply (5YHLS)

- 5.2.2 Paragraph 79 of the NPPF requires the Council as the Local Planning Authority (LPA) for the Maldon District to *"monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies"*.
- 5.2.3 NPPF Paragraph 78 requires *"local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"*. The Council therefore prepares and publishes a Five-Year Housing Land Availability Report, annually.
- 5.2.4 The previous application which was withdrawn (the "Withdrawn Application" ref 23/00548/OUTM) was under consideration at a time when the Council was able to demonstrate a 5YHLS and the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF was therefore not engaged. Following changes to the calculation of housing supply in the NPPF in Maldon District Council (December 2024), it was established in a report to the Council on 12 February 2026 that the 5YHLS stands at 4.1 years. This figure has been disputed in recent planning appeals, with the most recent figures quoted as being 3.9 years from the appeal at the Land west of the Cemetery London Road Maldon (App ref 25/00578/OUTM). Irrespective of the differences in figures stated it is acknowledged that the position is that the Council's YHLS is below five years. As such, it is recognised that the Council cannot demonstrate a 5YHLS.

Presumption in Favour of Sustainable Development

5.2.5 Chapter 2 of the NPPF seeks to achieve sustainable development, which runs throughout the policies in the Framework. Paragraph 11 presents the presumption in favour of sustainable development, with parts (c) and (d) sets out how the presumption should be applied in decision making.

5.2.6 NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9].”*

5.2.7 As stated earlier in this committee report, the Council cannot demonstrate a 5YHLS. Footnote 8 (within NPPF Paragraph 11 above) clarifies that out-of-date policies *“includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.*

5.2.8 The housing-related policies in the Local Plan must therefore be considered out-of-date, and the application is to be determined under sub-paragraph (d), rather than (c) which relates to up-to-date plans. This will be undertaken within the Planning Balance and Conclusion section of this Committee report, taking into account all material considerations assessed throughout.

Sustainable Transport and Accessibility

5.2.9 The development would implement highways works to connect to existing pavement which provides safe pedestrian routes into Tollesbury and would be secured by planning conditions. The application is supported by a Framework Travel Plan (FTP) which details how modes of sustainable travel would be improved and future occupiers encouraged to use.

5.2.10 The Site lies outside of the defined settlement hierarchy, with the Tollesbury settlement boundary terminating directly to the east of the Site; however, the weight afforded to this policy conflict is lesser given that it must be considered as out of date (as explained above). Officers note the commentary attached to the Site within the Council's 'Call for Sites' (CFS) as part of the Local Plan preparation, where it was considered sustainable and appropriate for up to 100 and 150 dwelling (although the Site is only partially within this second CFS site); however, the CFS is a high-level assessment and is not an allocation of the Site – Officers therefore give this limited weight in the considerations.

5.2.11 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”.

- 5.2.12 The Site is located outside the settlement boundary but is a short walkable distance from a local Primary School, bus stops, retail unit, pharmacy, public house and recreation grounds.
- 5.2.13 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.
- 5.2.14 The additional patronage on these services (through more persons needing to use the buses) would be mitigated through a £450,000 financial contribution towards service improvement, as requested by the Highways Authority and agreed by the applicant.
- 5.2.15 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 as Tollesbury is considered a ‘larger’ sustainable village in the settlement hierarchy (policy S8); however, it is acknowledged that there would be an element of reliance on private motor vehicle trips which cannot be fully addressed.

Loss of Agricultural Land

- 5.2.16 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”.
- 5.2.17 Natural England’s (NE) ‘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. NPPF Paragraph 187 (b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 (of the NPPF) states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.2.18 The agricultural land consultation of NE is triggered by the loss of more than 20ha of BMV land, which the application does not propose. Officers do however note there is a loss but take the same stance as the Inspector within appeal decision 24/01004/OUTM (Land South of Threeways and 45 The Street, Latchingdon). While the Site is within an area which may contain some grade 3a land, Officers note the relatively small amount of land being lost within the proposal when the total supply within the District is taken into account. The loss will be considered within the planning balance. Officers also note the recent appeal decision for application ref 25/00578/OUTM (Land west of the Cemetery, London Road, Maldon), 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 (ref 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”.

Community-Led Homes

- 5.2.19 Comments have been received stating that community-led housing should have been included within the development. Officers acknowledge the complications of including a community-led element within a larger scheme, noting the requirements within the NPPF definition of the product.
- 5.2.20 There is no national or local requirement for community-led housing. While it is a welcome benefit when proposed, the LPA cannot currently demand its inclusion. While the applicant did explore the option of including an element of community-led housing within the scheme, it is not included.

Principle of Development Summary

- 5.2.21 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 Section 106 (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.

5.4 Unit Size Mix

- 5.4.1 The matters of layout and scale are reserved, which would be considered at reserved matters stage.
- 5.4.2 Officers recommend a condition securing the unit size mix to be in accordance with the most recent LHNA and the applicant is agreeable to this.

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 (which would be a manageable density of 25 dwellings per hectare if 159 dwellings are provided within the parameter plan area).

- 5.5.2 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

- 5.5.3 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 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 multiple other LCA Landscape Areas which were also considered for longer view impacts.

Landscape and Visual Impact Assessment (LVIA) Methodology and Baseline Assessment

- 5.6.6 The application is supported by a LVIA, produced by aspect landscape planning. The LVIA has been independently reviewed by WWA Landscape on behalf of the Council. WWA provided a written Landscape Review (LR) which has been reviewed by Officers and taken into account within Officers' considerations.
- 5.6.7 The LR generally supports the findings of the LVIA, with some disagreements which were presented in the LR, acknowledged by Officers and included where relevant within this committee report section. The study area and report methodology are acceptable.

5.6.8 The LVIA makes reference to the Site's National Character Area (NCA) Profile, but the LR agrees with the LVA that it should be scoped out as a landscape receptor due to the limited scale of the proposals.

5.6.9 In terms of a baseline assessment, the LVIA notes that

"The site occupies three areas of open arable farmland to the west of Tollesbury and is bisected by a PRow. It is visually contained to the east and south east by Tollesbury itself and by existing hedgerows along West Street to the south western corner of the site or along Back Road/North Road, albeit both hedgerows have some gaps. The northern and western boundaries of the site are undefined.

The site has two PRow that cross it, PRow Tollesbury 4 running east to west along the northern end of the site and PRow Tollesbury 17 adjacent to part of its eastern boundary.

The site is relatively flat, rising to the south by 4m and with the exception of a small number of trees and low scrub within parts of a remnant hedgerow to the north west, the site has no further vegetation cover other than the arable crops and areas of grassland.

The semi-urban edge character created by the residential dwellings that form the western edge of Tollesbury is further urbanised by elements such as powerlines that run across the site. Overall, the site has relatively unremarkable characteristics."

Landscape Effects

5.6.10 The impact on landscape receptors is most prominent at the Site itself, where Officers have identified a 'major/moderate' adverse impact, with a 'minor' adverse impact on LCA E1 and D1, with 'negligible' impacts at other receptors. The collective landscape impact is considered to be 'major to moderate' adverse.

Visual Effects

5.6.11 The selected viewpoints and visual receptors used within the LVIA are considered acceptable. The LR agrees with the visual effects identified in the LVIA. Taking the effects into account, along with GLVIA3 guidance, the identified effects are listed below:

Visual Receptor	Identified Effects
B1023 Tollesbury Road / West Street	Minor adverse
North Road / Back Road	Minor adverse
PRow Tollesbury 4 and 17 within site	Major/moderate adverse
PRow Tollesbury 3 west of site	Minor adverse
PRow Tollesbury D'Arcy 7	Negligible adverse
PRow Tollesbury D'Arcy 12 Pages Lane	Negligible adverse
PRow Tollesbury 8, east of Prentice Hall Farm	Minor adverse
BR Tollesbury 20, Prentice Hall Lane	Negligible adverse
PRow Tollesbury 25, coastal sea wall	Negligible adverse
PRow Tollesbury 19, south of St John's Court	Minor adverse
PRow Tollesbury 5, east of Back Road	Moderate adverse
PRow Tollesbury 1, north of Old Hall Lane	Negligible adverse

Table 1 - LVIA Review Visual Effects Summary

- 5.6.12 The highest magnitude of effect would be on PRow's Footpaths 4 and 17, which run through the Site. Footpath 17 is a short stretch of road running along the rear/between properties on North Road, While Footpath 4 extends wider than the north of the Site, running through the proposed green area in the north. The level of effect is mitigated somewhat by the proposed mitigation (to be discussed later in this section); however, a major/moderate adverse impact has been identified. Moderate adverse impacts have been identified to PRow 5, which is located to the northeast of the Site and has views into the Site. The impacted receptors have existing views into a rural green undeveloped Site which the proposal would alter with an urbanising effect.
- 5.6.13 The LVIA also identifies impacts between major and minor adverse to residential properties on West Street, North Road and Back Road. Assessing residential visual amenity is separate to LVIA impacts under GLVIA3 and subsequent guidance notes. This is considered in the Impact on Amenity section of this committee report. The applicant submitted a Briefing Note in response to the WWA review of the submitted LVA. The briefing note relates to comments regarding the lack of a Residential Visual Amenity assessment (RVAA), stating that an RVAA is not required on this application and that the LVIA did include residential receptors. The Note goes on to quote GLVIA3 guidance that states an RVAA is only justified when the effect on residential visual amenity could reach the Residential Visual Amenity Threshold. This may occur when development would be overbearing/overwhelming or overtly intrusive; however, this is a high bar and would not apply to the proposed relationship of residential housing proposed on an edge of settlement location.

Landscape Proposals and Mitigation

- 5.6.14 The LVIA seeks to mitigate the impact through multiple methods – the location of residential units is proposed near existing housing, SANG is proposed to mitigate impact on the norther PRow 4 and a woodland belt is proposed (minimum width 10m) to the north and west boundaries to improve green screening of the Site from external views. Enhancements to the existing hedgerow on North Road are proposed, including additional planting to fill in existing gaps, with restoration of hedgerows along PRow 4. A green linear park would run through the Site, east-west. These elements would improve the impact on the landscape and visual receptors over time; however, Officers do not consider the mitigation sufficient to result in a material decrease in level of harm.

Cumulative Effects

- 5.6.15 This application was made prior to the outline application seeking up to 200 units on the site to the south of West Street, ref 25/01057/OUTM, which considered the cumulative impact of both developments. Upon the consideration of that application at planning committee, Officers advised that the current application should be given limited weight due to its status. At present, Officers have recommended giving moderate weight to that development – there is a resolution to grant permission which increases the weight; however, the S106 must be completed and there are no guarantees that the development will be built out.
- 5.6.16 As noted in that previous application, there would be an in-combination impact on the openness of the western approach to Tollesbury if both developments were to be implemented. Both developments push the vast majority of residential units away from the street scene but would have a small level of development that is visible and there would be an urbanising effect on the approach to Tollesbury through the establishment of two large junctions in close proximity.

Conclusion

5.6.17 The proposal would result in:

- 'major/moderate adverse' landscape effect to the site and its immediate context / local landscape setting.
- a multitude of adverse visual impacts ranging from 'negligible' to 'major/moderate' adverse.

5.6.18 As per the development to the south, the landscape impact is a relatively significant level of effect as this proposal would also cause a notable change and degradation to the character and appearance of the local area. Officers note that the more serious effects are relatively localised, even more so on this current application due to the areas proposed for residential development being adjacent to existing housing which screens many views to the east and south, and the proposed woodland buffer providing eventual screening to the north and west.

5.6.19 In summary, the proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and H4 and the NPPF. This harm needs to 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.

5.7.2 However, the application sets out some design constraints through parameter plans. An application for reserved matters would need to comply with the parameter plans.

5.7.3 Building heights would range from up to 9.5 metres (two-storeys) to up to 10.5 metres (2.5 storeys), with the taller buildings at key locations. This includes the access area; however, design will be considered in terms of its impact on the surroundings at reserved matters stage. Buildings adjoining existing dwellings (on West Street and North Street) would be two-storey. This is an appropriate design response to the Site's context. The proposed 25 dwellings per hectare (dph) density is shown to be low but comparable to the nearby areas of Tollesbury, with an average density of 23dph. The detailed layout and architectural appearance/materials of the buildings is not a material consideration in this outline application.

5.7.4 While the density and building heights defined by the parameter plans are appropriate when compared to existing housing within the Site's context, and the design approach is largely consistent with existing development in Tollesbury, the development would have negative offsite visual impacts, as discussed in the previous section of this report. In terms of the layout within the Site itself, the approach to the development is acceptable. In that regard, the 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 illustrative layout, in addition to the submitted parameter plans (which would secure reserved matters details to be submitted in accordance with the parameter plan layout) demonstrate that acceptable open space can likely be achieved onsite with a detailed housing layout.

5.8.2 The Green Space Parameter Plan would secure the general layout of onsite open space:

- Native woodland belt on the west and north boundaries to be a minimum 10m depth
- East-west linear park which would contain two children's play areas.
- Biodiversity Enhancement Area and drainage attenuation basins in the north, with hedgerow separation and managed access including PRow Footpaths 4 and 17 which would be subject to improvements.
- Informal open space along the west and northwest boundaries.

5.8.3 The general open space provision is considered acceptable. The detailed layout and landscaping, in addition to the schedule of planting and children's play space, would be progressed at reserved matters stage and are recommended to be secured by conditions in Section 8 of this report. Subject to this, 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 NPPF provides the basis for assessing heritage impact on a planning application. NPPF Paragraphs 207-221 direct the consideration of heritage harm, which are not reproduced in this report but available within the NPPF.
- 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 following heritage assets have been identified as potentially being impacted by the proposal:

- Conservation Areas
 - Tollesbury Conservation Area
- Designated Heritage Assets
 - 76 West Street (grade II listed building)
- Non-designated Heritage Assets
 - Colchester Road (Protected Lane)

Assessment – Tollesbury Conservation Area

- 5.9.5 Part of the eastern edge of the Site abuts the Tollesbury Conservation Area, where the conservation area boundary runs along the ends of the back gardens at Nos 19, 21, 23 and 45 North Road. A public footpath on the application site runs alongside this boundary, leading from North Road to West Street. Those properties within the Conservation Area which are adjacent to the application site have relatively mature hedgerows or boundary fences along the boundary. There are no important views of the Conservation Area either from or across the application site, nor are there any important views from within the conservation area of the application site.
- 5.9.6 The proposed residential development would not have a notably adverse impact upon the setting or significance of the conservation area; however, the impact would result in a low level of less than substantial harm to the conservation area.

Assessment – 76 West Street

- 5.9.7 No. 76 West Street is a 17th-century 1.5 storey timber-framed and rendered house orientated at right angles to the road. It has a well-preserved and interesting timber-framed structure, and the remains of an original inglenook fireplace. Despite alteration in the 20th century, the building retains architectural interest due largely to the age of its timber-framed structure, the legibility of its historic planform and the remnants of an original inglenook fireplace. The house was originally relatively isolated, located well outside the nucleated part of the village. It now forms part of a street of ribbon-developed 20th-century houses, contiguous with the rest of the village. Nevertheless, the position of No. 76 close to the road, with its principal elevation facing west up the street, makes it stand out from the neighbouring houses which are all set back from the highway.
- 5.9.8 The development would be located within the wider setting of No. 76 West Street – the developed area would be adjacent to the northern boundary of the garden at No. 76. The garden is however relatively long, and the house sits at the south end of its plot, addressing the street. The house does not have an important relationship with the field to the north. The proposed development may be visible from the listed house, but its impact on the building's setting or the ability to appreciate its significance is likely to be limited given that the principal elevation faces away from the proposed development.
- 5.9.9 As part of the application, it is proposed to upgrade the bus stops in West Street near the south entrance to the Site, near No. 76 West Street. The westbound bus stop on the south side of the road is currently an unmarked layby about 50 metres southwest of the listed building. Proposed improvements to this bus stop include 'bus cage' road markings, a bus shelter, a raised kerb to assist disabled access and timetable information. These features would be visible in some views of and from the listed building but, subject to sympathetic design, should not cause any notable harm to the significance of the listed building. The eastbound bus stop is much closer to the 76 West Street, located on the north side of the road immediately to the southwest of the listed building. Here, the plans submitted with the Transport Assessment (TA) indicate that 'bus cage' road markings may be introduced. It is not considered that such markings would necessarily cause harm to the setting or the significance of the Listed Building. If planning permission is granted, The Council's Conservation Officer recommends that a condition is attached which requires the design of bus stop upgrading be agreed with the LPA prior to implementation. Officers have amended the bus stop details condition to reflect this.

- 5.9.10 There would be intervisibility between the sites and, noting the scale and residential nature of the proposed development and the existing ribbon development on West Street, the Conservation and Heritage officer advises that the proposal would result in a low level of 'less than substantial harm' to the significance of the Grade II Listed Building.

Assessment – Colchester Road

- 5.9.11 Colchester Road is a Protected Lane as defined in the Local Plan, which has 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.”

- 5.9.12 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 Officer, it is agreed that Colchester Lane can be considered a Non-Designated Heritage Asset (NDHA).
- 5.9.13 NPPF Paragraph 216 states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 5.9.14 The Council's Conservation and Heritage Officer note that there may be an increase in vehicle trips on Colchester Road from new development. This is consideration with the current application due to the proposed new access point onto North Road. This may lead to impacts on the grass verge and elements such as a bridge. The Conservation and Heritage Officer conclude's that there may be limited harm, at most, to the Protected Lane. Officers have reviewed the projected vehicle trips and agree that the level of harm would certainly be limited at most, given that there is unlikely to be a significant number of vehicles going down this route. The protected lane is part of the adopted public highway and traffic can pass freely along this route without restriction, which is distant from the site, so no objections are raised to the impact upon this road.

Heritage Harm Assessment

- 5.9.15 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	Low level of less than substantial
76 Wes Street (Grade II listed building)	Low level of less than substantial
Colchester Road Protected Lane (NDHA)	Limited harm

Table 2 - Relevant Heritage Assets

- 5.9.16 This results in a cumulative level of a low level of less than substantial heritage harm. As heritage harm has been identified, the level of harm must be weighed against the public benefits of the proposal in accordance with Paragraph 215 of the NPPF. This assessment will be undertaken in the Planning Balance and Conclusion section of this committee report.
- 5.9.17 In terms of the cumulative impact of multiple applications and noting the moderate weight given to the 25/01057/OUTM application, heritage officers have advised that the applications impact on different heritage assets and there would be no in-combination effect from the two developments on any heritage assets. Officers do not consider there to be a cumulative impact on non-designated heritage assets given the road access points from other development Sites.
- 5.9.18 An assessment of the level of less than substantial harm weighed against the public benefits of the proposal will be undertaken within the Planning Balance and Conclusion section of this committee report.

Archaeology

- 5.9.19 NPPF Footnote 75 advises that “*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*”.
- 5.9.20 The application has been reviewed by the County archaeologist, who advises that the Essex Historic Environment Record (EHER) shows that the proposed development is sited within an area of archaeological potential. The applicant has undertaken a programme of archaeological geophysics and trenching over the majority of the Site, which confirms Roman activity – likely a reasonably high-status archaeological site. The Maldon Archaeology and History Group had previously excavated 44 Roman cremation burials on the site and it is not known whether the cemetery extends beyond the limits of their excavation. In addition, the Site likely contains Late Iron Age activity.
- 5.9.21 Given the high potential for archaeological assets on the Site and the significance which they may have, a condition is recommended to secure a programme of archaeological investigation. 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 the NPPF.

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.
- 5.10.2 While the detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved, this outline application seeks approval for the scope of the development through the parameter plans. This includes the general location and maximum scale of buildings, and the location of the main access routes within the scheme. The impact on the view of neighbouring properties is not a material planning consideration.

Daylight, Sunlight, Outlook and Privacy/Overlooking

- 5.10.3 The submitted building heights parameter plan proposes areas of up to two-storey height development up to 9.5m on the Site boundaries adjacent to existing residential development. The central areas of the Site are 2.5 storey height, up to 10.5m. The layout of buildings would be constrained to within the proposed built areas on the Land Use Parameter Plan; however, the full details will need to be submitted and assessed at reserved matters stage. These details will be required to achieve acceptable distances to existing properties, with reference to the MDDG, to ensure that the proposed buildings do not cause any unacceptable impact on daylight, sunlight, outlook or privacy. 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. 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, there is no 'right' to a view in planning terms and as such is not a material planning consideration. The application proposes 2/2.5-storey residential development adjoining development of a similar scale and nature and this is not considered to result in any overbearing impact that would lead to an unacceptable development in terms of residential visual amenity.

Noise

- 5.10.4 The proposed residential use is not a significant noise-generating use and is appropriate in the Site's setting and neighbouring uses. While the residential use of the area would be intensified, it would not give way to any unacceptable noise or disturbance at operational stage taking into account the baseline vehicle movements and the uplift in vehicle movements.
- 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, with the latter falling outside of Planning Legislation. 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.

Smell and Pollution

- 5.10.6 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.
- 5.10.7 The Construction Management Plan condition on the Outline Permission would also include a requirement for dust management for protecting air quality.

Impact on Amenity Summary

- 5.10.8 Officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling. This complies with the relevant requirements of LDP Policy D1.

5.11 Transport, Access and Highway Safety

5.11.1 The application has been reviewed by ECC highways team, who support the proposal subject to conditions (set out in the list of conditions recommended to Members at the end of this Committee report) summarised below:

- Construction Management Plan
- Implementation of access arrangements, works and visibility splays for the accesses on West Street and North Road
- West Street pedestrian crossing
- Bus stop improvements
- Public Right of Way Nos. 4 and 17 upgrades
- Residential Travel Plan
- Residential Travel Packs

5.11.2 The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:

- A contribution of £450,000 to ECC towards improving public transport links between the site and other destinations in the area
- Annual Travel Plan monitoring fee of £1,817 (index linked) from first occupation until 1 year after final occupation

Access

5.11.3 The application proposes the provision of a primary vehicular access off West Street and a secondary access off North Road in the northeastern corner of the Site. Comments have raised that the North Road footpath is not high quality and is narrow in places – while this may be the case in some locations, the development provides an access off West Street which would be suitable for all users and can be relied upon. The North Road access provides an added level of accessibility in addition to this. Application 25/01057/OUTM amended their West Street vehicle access, resolving a previous clash which largely resulted in the previous application on this Site being withdrawn. ECC Highways (the Local Highway Authority) has advised that the access is not contrary to national or local highway/transportation policy, nor current safety criteria. The vehicle access arrangements into the Site are therefore acceptable.

5.11.4 Conditions have been recommended to secure the required highways works to implement the access points and the completion of proposed visibility splays. Representations have raised issues with the North Road access clashing with the proposed access in application ref 26/00161/OUTM, to the north of North Road. The Highways Authority have confirmed that they do not foresee any issue as there would be sufficient distance between the two accesses. There is a highways objection on application 26/00161/OUTM; however, it relates to other matters.

5.11.5 Multiple Public Rights of Way run through or adjacent to the Site. The application seeks to integrate these within the Site and proposes improvement works to PRow Nos. 4 and 17, which run through the Site.

Highway Capacity

5.11.6 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 or result in a 'severe' impact upon the highway.

5.11.7 There are multiple application sites of significant residential scale within Tollesbury that are currently under assessment:

Reference / Site	No. Dwellings	Planning Stage
25/00207/OUTM	Up to 26	Highways advise that a scheme of this size would not be assessed in relation to trip generation.
25/01057/OUTM	Up to 200	Committee resolved to grant planning permission subject to the completion of the S106 legal agreement.
26/00066/OUTM	149	Still under consideration. Appeal submitted.
26/00161/OUTM	24	Highways advise that a scheme of this size would not be assessed in relation to trip generation.

Table 3 - Significant development sites in the local area

5.11.8 NPPF Paragraph 116 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

5.11.9 Following planning committee's resolution to grant permission for application ref 25/01057/OUTM (Land Opposite Prentice Hall) in June, Officers would recommend giving the following weight to other relevant applications:

- Moderate weight to 25/01057/OUTM following the committee resolution to grant.
- Very limited weight to the other three sites, given that they have no site allocation and no committee resolution minded to grant approval.

5.11.10 Notwithstanding the weight that should be attributed to the other nearby applications, the Applicant has submitted a Transport Addendum Note which undertakes sensitivity testing of traffic flow modelling which incorporates the impacts of both applications 25/01057/OUTM and 25/01057/OUTM at a projected rate of traffic for the year 2028 when development may be progressed.

5.11.11 The submitted modelling concludes that the relevant junctions would continue to operate with spare capacity even in a situation where all three developments were built out with the maximum number of dwellings proposed within the outline permissions.

5.11.12 The Road Safety Audit within the TA does not identify any issues with the local roads and finds that there would not be any significant impact on road safety.

5.11.13 Public representations have been received stating the traffic survey carried out on North Road (relied upon within the submitted TA) was conducted during a COVID-19 lockdown period. This is correct – the survey was undertaken between 22-28 April 2021, when the country was in a period of staged reopening of movement.

Clarification has been provided by the applicant and ECC Highways that the projected vehicle flows are based on a Manual Classified Count (MCC) was undertaken in May 2022 at the junction of West Street / North Road / High Street / Elysian Gardens junction.

- 5.11.14 Based on the comments of the Highway's Authority, the impact would not be significant enough to be detrimental to existing or future users and therefore would not lead to non-compliance with Local Plan Policies D1 and T2.

Parking

- 5.11.15 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 will need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the adopted Vehicle Parking Standards SPD requirements. Conditions are recommended to secure these details as part of any reserved matters submission.

Transport, Access and Highway Safety Summary

- 5.11.16 While the development would require some reliance on private vehicles, Officers are satisfied that the Site is in a sustainable location and would not unacceptably impact on the surrounding highways network. 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

- 5.12.1 The application is supported by an Ecology Walkover Assessment, Breeding bird report, Bat Survey, Preliminary Ecological Appraisal, Bat Activity Survey, Wintering bird survey report and Stage 1 Habitats Regulations Assessment (HRA).

- 5.12.2 Place Services Ecology have reviewed the submission documents and concluded that they do not object to the proposal, subject to the following conditions:

- Development carried out in accordance with the submitted ecological documents
- Construction Environmental Management Plan for Biodiversity
- Farmland Bird Compensation Strategy
- Biodiversity Enhancement Strategy
- Lighting Design Strategy for Biodiversity

Protected and Priority Species

- 5.12.3 A condition is required to secure the details within the Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025). This is in part to ensure that any trees with suitable features for bat roosting should be removed under the presence of a suitably qualified ecologist. A condition requiring external lighting to be sensitive to wildlife is also recommended, listed in Section 8 of this Committee report.

- 5.12.4 Mitigation measures for badger should be provided in the CEMP. This should include details of how impacts to badger will be avoided, informed by the results of an up-to

date badger survey. This should inform whether a badger licence will be required and is necessary to mitigation harm to badgers.

- 5.12.5 Four species of conservation bird were identified onsite, including Skylark. The habitats of highest ornithological value are the hedgerows, which will be almost entirely retained as well as extended, and the grassland in the northeast of the Site. Officers recommend that a Biodiversity Method Statement and Farmland Bird Compensation Strategy are required by condition, in order to address the impact and potential displacement.
- 5.12.6 In addition to mandatory 10 per cent Biodiversity Net Gain (BNG), other onsite biodiversity enhancements to habitats are proposed as a separate matter. The proposed enhancements include installation of bat boxes/ bricks on retained mature trees and integrated into the buildings and swift bricks and nest boxes for Priority species such as house sparrows, on the new buildings as recommended in the breeding bird report. Place Services advise that hedgehog highways in all new fencing (13 by 13cm) and the creation of log piles for invertebrates and reptiles should be provided. These details are recommended to be secured by a planning condition.
- 5.12.7 Subject to conditions, including proposed mitigation measures for nesting birds, reptiles and terrestrial mammals, the application would have an acceptable impact on protected and Priority species, in accordance with Local Plan Policy N2 and the NPPF.

Trees and Hedges

- 5.12.8 There are no onsite trees that are subject to a TPO or are protected by way of being inside a conservation area. There are no Veteran Trees or any Ancient Woodland onsite.
- 5.12.9 The application is supported by an Arboricultural Impact Assessment (AIA) compiled by Wardell Armstrong, which has been reviewed by the Place Services Tree Team. The submission proposes the removal of areas of uncategorised hedge, one low value tree and one moderate value tree to facilitate construction. There are several other areas of trees requiring pruning or works within identified Root Protection Areas.
- 5.12.10 The Tree Team have flagged issues with the scale of plans and the contents of Table 3 within the submitted AIA. They advise that the identified impact can be mitigated and therefore there is no objection; however, require the submission of an updated Arboricultural Method Statement (AMS) at reserved matters stage which provides more clarity on these matters, to ensure a fully robust assessment can be made.
- 5.12.11 Subject to the recommended conditions, Officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N1.

Protected Lanes

- 5.12.12 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”.

- 5.12.13 The protected lane is not addressed in the TA, as this relates to an ecological designation. The TA does project a significant 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

- 5.12.14 The Site falls within the recreational Zol 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).
- 5.12.15 The LPA is therefore required to prepare a project level 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.
- 5.12.16 Natural England 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.
- 5.12.17 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 Zol 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 159 houses**

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

Summary of Appropriate Assessment

- 5.12.18 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures and the payment of RAMS contributions 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.

- 5.12.19 Subject to the above measures and planning obligations, Officers are satisfied that the proposal would not result in an adverse impact on any European or other protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1.

5.13 Drainage and Flood Risk

Tidal/Fluvial Flood Risk

- 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.

Surface Water Drainage

- 5.13.2 While layout is a reserved matter, a Flood Risk Assessment and Drainage Strategy (FRADS) document has been submitted, prepared by Wardell Armstrong. This was followed up by a further Technical Note.
- 5.13.3 The FRADS includes soakaway testing, which has informed the location of two large drainage basins within the north of the Site. Each would serve one of two catchment areas which have been identified, via onsite surface water sewers. There are no nearby watercourses, meaning the basin would need to discharge to a sewer. Permeable paving will be utilised to assist with water quality treatment and interception storage across the Site. The Lead Local Flood Authority (LLFA), which is ECC, is supportive of the proposal subject to detail at reserved matters stage and the following conditions:
- Surface Water Drainage Scheme (to meet multiple requirements that are specified within the recommended condition, including limiting discharge rates, provision of sufficient storage and appropriate treatment of water prior to it leaving the site)
 - Scheme to minimise offsite flooding during construction works
- 5.13.4 The following conditions were not requested, but Officers recommend imposing them in order to require adequate maintenance of the drainage scheme, in line with the approach taken on more recent sites for similar development.
- Maintenance plan
 - Maintaining annual logs of maintenance
- 5.13.5 Anglian Water (AW) advise that the proposed method of surface water management does not relate to AW operated assets; however, do note that the application states that the sustainable drainage scheme may be adopted by AW. The applicant is encouraged to engage with AW at the earliest opportunity to ensure that the design is appropriate. Officers recommend an informative advising of this.
- 5.13.6 The updated Government flood mapping shows an area in the south of the Site, directly adjacent to No. 80 West Street highlighted as future surface water flood risk zone. The location is in the residential land use area; however, the layout of the scheme can be designed to avoid built footprint in that area. The indicative masterplan shows this area as private residential garden. There would be no escape routes in that area. The application is supported by the LLFA and an updated Surface Water Drainage Scheme will manage surface water in line with appropriate greenfield run off rates and can include measures of resilience to the potential flood depth. Officers therefore have no concerns regarding the area of surface water flooding and

do not consider a sequential test necessary, in accordance with NPPF Paragraph 175 and Paragraph 027 of the Flood Risk and Coastal Change PPG.

Foul Drainage

- 5.13.7 AW has advised that there is headroom for receiving Water Recycling Centres (WRCs) to accommodate the proposed increase in flows.
- 5.13.8 AW has however objected in relation to the development connecting to their foul network due to capacity constraints and pollution risk, stating that the applicant must overcome this objection by engaging with AW to establish a Sustainable Point of Connection. This consultation response reflects a time when AW were objecting to new development on this issue, which has changed as evidenced by their responses on the other live residential applications in Tollesbury. AW has requested that if the LPA is minded to approve the application, a condition requiring a Foul Water Strategy (to include details of the Sustainable Point of Connection) be submitted prior to the commencement of any development. Taking into account the requirements of the condition (in addition to AW's acknowledgement of their statutory duty and lack of objection on subsequent applications nearby), Officers are satisfied that foul drainage would be adequately addressed prior to any development commencing and thereby circumventing any harmful impacts.

Drainage Infrastructure

- 5.13.9 AW advises that they have assets which may be impacted by the development and have requested an informative be added to permission if granted, notifying the developer of their duty to divert sewers.

Drainage and Flood Risk

- 5.13.10 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.

5.14 Minerals and Waste

- 5.14.1 The application would not have any unacceptable impact on minerals resources or infrastructure, supported by comments from the ECC minerals and waste team.
- The Site is located within a Sand and Gravel Mineral Safeguarding Area (MSA). ECC Minerals and Waste Planning have advised that while the area of the Site is in excess of the 5ha threshold where local resource safeguarding provisions are applied, a 100m standoff to zone to the facades of existing housing would make the vast majority of the Site unworkable for minerals, resulting in a realistic extraction area below the 5ha threshold and removing the need for the submission of a Minerals Resource Assessment (MRA).
 - The application site does not pass through a Mineral Consultation Area (MCA) and would not impact on any existing minerals assets or sites. Therefore, a Mineral Infrastructure Impact Assessment (MIIA) would not be required.
 - The application site does not pass through a Waste Consultation Area (WCA) and would not impact on any existing waste sites. Therefore, a Waste Infrastructure Impact Assessment (WIIA) is not required

5.14.2 The development would have an acceptable impact on minerals and waste, in accordance with Policies S4 and S8 of the Minerals Local Plan.

5.15 Education Infrastructure

5.15.1 The proposed development would increase the number of residents living locally, which would result in increased demand on local schools. The ECC education department has provided comments and do not object to the application, subject to the identified mitigation as follows:

- Early years childcare financial contribution of £286,043, index linked to Q3 2024
- Secondary school contribution of £874,246, index linked to Q3 2024
- Secondary school transport contribution of £189,114.60 index linked to 2Q 2023
- Libraries financial contribution of £12,370.20, index linked to April 2020
- Employment and Skills Plan
- A £700 monitoring fee per obligation (£3,500 total)

5.15.2 The contributions as set out above shall be secured through a S106 legal agreement and these will mitigate the impact of the development.

5.16 Health

Health Impact Assessment and Healthcare Infrastructure

5.16.1 In accordance with Local Plan Policy I2, the submitted HIA, concludes that the development would have a neutral/positive health impact. This is partly achieved through the provision of new high-quality homes in a sustainable location, green infrastructure and public open space. While it is understood that the local GP services do not have sufficient capacity, the NHS have advised that a financial contribution to the sum of £78,700 will mitigate the impact of the additional demand for floorspace.

5.16.2 Essex Police and the Essex County Fire and Rescue Department have made recommendations to be taken into account within the detailed layout (which would be submitted at reserved matters stage) to prevent crime and foster safe environments through the design of the scheme. This will feed into building orientation, public landscaping and public lighting, as well as the provision of fire-fighting appropriate water hydrants. Informatives are recommended, drawing the applicant's attention to these comments.

5.16.3 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.

5.17 Air Quality

5.17.1 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.

5.17.2 The submitted AQA concludes a very low risk of significant adverse impacts on air quality from the operational phase – this is agreed by Officers, given the proposed residential use does not generate significant air pollution levels. The Council's Environmental Health Team advise that adverse impacts from the construction phase can be managed through best practice, secured by a construction environmental management plan condition which Officers have recommended.

5.17.3 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 Paragraph 199 of the NPPF.

5.18 Land Contamination

5.18.1 The application is supported by a Phase 1 Geo-Environmental Desk Study which has identified a generally 'low' risk of potential contamination, but does identify 'moderate to low' risk associated with offsite land uses including a petrol filling station. The Council's environmental health team recommend a condition to secure further limited intrusive ground investigation to assess the risks and identify any remediation measures where necessary.

5.18.2 Subject to these conditions, 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 Paragraph 196(a) of the NPPF.

5.19 Energy and Sustainability

5.19.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that "*development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate*".

5.19.2 The submitted Energy and Sustainability Statement, produced by Daedalus Environmental, includes the following proposed sustainable design elements:

- Energy efficient building fabrics and design to manage heat loss and manage overheating
- Air source heat pumps providing heating and hot water
- Photovoltaic panels to be installed where suitable
- Efficient water fixtures to meet a 110 litres per person per day target
- Electric vehicle charging point for each dwelling.
- Waste managed through the Waste Hierarchy

5.19.3 As the application is outline, Officers recommend securing details of sustainable fabrics and sustainable energy generation by planning condition. Subject to this condition, the development would incorporate acceptable measures to make the development energy efficient and sustainable.

5.20 Biodiversity Net Gain (BNG)

5.20.1 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. The BNG PPG sets out how mandatory biodiversity net gains should be applied through the planning process.

5.20.2 Place Services Ecology have reviewed the submitted BNG documents, including the Metric, and advise that the development would comply with the 10 per cent mandatory gain. Due to there being significant onsite enhancements, a Habitat Management and Monitoring Plan (HMMP) is recommended to be secured through a planning condition in Section 8 of this Committee report.

5.21 Planning Obligations

5.21.1 The applicant has confirmed that they are willing to enter into a S106 legal agreement which would be bound to the permission if granted, to include the following planning obligations:

- 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.
 - a tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £450,000
- Education contributions including:
 - early years childcare financial contribution of £286,043, index linked to Q3 2024
 - secondary education financial contribution of £874,246, index linked to Q3 2024
 - secondary school transport contribution of £189,114.60, index linked to Q2 2023
 - libraries financial contribution of £12,370.20, index linked to April 2020
 - Employment and Skills Plan
 - a £700 monitoring fee per obligation (£3,500 total)
- Essex Coat RAMS contribution of £175.55 per dwelling (up to £ 27,912.45 total).
 - Provision of 3.6ha SANG
 - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents.
 - The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £78,700

5.21.2 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.

5.22 Planning Balance

- 5.22.1 In judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.

Heritage Assessment

- 5.22.2 NPPF Paragraph 215 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 5.22.3 The proposal would result in a low level of less than substantial harm to Tollesbury Conservation Area and the Grade II 76 West Street. There would be a limited harm to the NDHA Protected Lane. Conducting an assessment per NPPF Paragraphs 215 and 216, the public benefits of the proposal (as outlined in this committee report) are considered to greatly outweigh the two instances of less than substantial harm at a low level.

Presumption in Favour of Sustainable Development

- 5.22.4 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 Paragraph 11(d).

- 5.22.5 To recap, NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9].”*

- 5.22.6 Paragraph 11(d)(i) directs authorities to refuse applications where the policies within the Framework (NPPF) referred to in Footnote 7 provide a strong reason for refusal of the development. Footnote 7 lists these as:

- habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest
- land designated as Green Belt, Local Green Space
- a National Landscape
- a National Park (or within the Broads Authority) or defined as Heritage Coast
- irreplaceable habitats
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)

- areas at risk of flooding or coastal change

5.22.7 As detailed in this Committee report, Officers do not consider there to be any strong reason for refusal under any of the policies referred to in Footnote 7 (above).

5.22.8 The NPPF therefore directs the decision-maker to sub-paragraph 11(d)(ii) – this is often referred to as the ‘tilted balance’ because it tilts the decision towards an approval. It dictates that planning permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. It also places particular regard to key policies for directing development to sustainable locations in Footnote 9.

Benefits of the Proposal

5.22.9 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 159 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 significant 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. 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 c. 3.6ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 20.9 per cent habitat units and 47.33 per cent hedgerow units, which is 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 on Footpaths 4 and 17 within the site. Officers give limited weight to this benefit.
- The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use Air Source Heat Pumps and solar photovoltaic panels to utilise 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

- 5.22.10 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 'major/moderate' adverse landscape effects to the immediate context/local landscape setting and up to 'major/moderate adverse' visual effect. Noting the magnitude of the adverse impacts identified, Officers give this harm significant weight.
 - Loss of 9.24ha of agricultural land. Noting the large amount of grade 3 agricultural land within the District, Officers give limited weight to this harm.
 - A low level of less than substantial harm to the Tollesbury Conservation Area and the grade II listed 76 West Street and a limited harm to the NDHA Protected Lane Colchester Road.

Planning Balance

- 5.22.11 The current assessment is made in the context NPPF Paragraph 11(d), where permission should be refused it *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*.
- 5.22.12 Officers have weighed up the benefits and adverse impacts of the proposal within the context of the NPPF, concluding that the adverse impacts would not significantly and demonstrably outweigh the benefits of the provision of 159 dwellings while the Council cannot demonstrate a Five-Year Housing Land Supply.
- 5.22.13 This conclusion is made giving moderate weight to application ref 25/01057/OUTM and limited weight to application ref 26/00066/OUTM, the other relevant live housing applications within Tollesbury.
- 5.22.14 Officers therefore recommend that planning permission should be granted.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
23/01160/OUTM	Outline planning application with all matters reserved except access for up to 159 residential dwellings (Use Class C3), including 40% affordable housing, pre-school (Use Class E(f) and F1(a)), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, suitable alternative natural greenspace (SANG) and sustainable drainage.	Withdrawn 03.04.2024

Application Number	Description	Decision
23/00434/SCR	Request for EIA Screening Opinion in relation to a proposal for up to 159 dwellings, road link, ancillary infrastructure, public open space, play space and sustainable drainage.	Development not EIA 2nd June 2023

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: • There has been no real engagement with the Parish Council, no trust or transparency. • The surge in recent homes in Tollesbury in addition to other applications would unravel the social fabric. • Two Housing Needs Surveys (conducted by the RCCE in 2017 and 2023) have indicated that development in the village should not exceed 50 houses. • The development would harm the natural, built and historic environment, including the Tollesbury Conservation Area. • The development should be suitably scaled and include community-led housing. • The development should have a phased approach of smaller clustered buildings. • It would result in overdevelopment of the site without sufficient infrastructure, placing strain on existing infrastructure and services. • The proposed location in the north-west quadrant of the village is consistent with the draft Tollesbury Neighbourhood Plan.	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	However, the scale of the development is not. • No provision has been made for Community-Led Homes, despite it being the stated intention of the Parish Council to instigate a Community Land Trust for the purpose. • Primary school children would need to be transported to schools. • Social cohesion would be harmed in the long-established local community. • A further concern for the scale of a development in that location is that the primary school children would need to be transported to school either in Tollesbury or Tolleshunt D'Arcy, as stated in Essex County Council's education consultation. • A development of this scale and pace puts at risk the social cohesion of a harmonious and long-established local community. • Plume School will benefit from an extension but does not benefit from funded transport, which would place the burden on parents. • The capacity of the local sewage treatment works is widely acknowledged to be under stress. • The development negatively impacts the green entrance to Tollesbury. • Irreversible destruction of farmland – sustainable food production is essential. • Tollesbury is at the end of a peninsula and is a uniquely remote location. The village is regularly gridlocked and there is no scope to	

Name of Parish / Town Council	Comment	Officer Response
	accommodate further vehicles. • Back Road, Chapel Road and Colchester Road should have width restrictions and a 7.5 ton weight restriction. • There are no sustainable transport options in Tollesbury, with inadequate public transport and inadequate cycleways and footpaths. They are also unsafe for some pedestrians and cyclists. • It would obliterate the Romano/British archaeological site, resulting in a huge heritage harm.	
Tolleshunt D'Arcy Parish Council (Neighbouring Parish Council)	Object for the following reasons: • Tolleshunt D'Arcy already has an existing traffic problem and potentially an additional 318 cars would further impact this issue, exacerbated by delivery vehicles and limited employment opportunities in Tollesbury. This is also exacerbated by recent approvals in Tolleshunt D'Arcy. • The surrounding road network is unsafe and users speed dangerously. • It is likely that users of the access in North Road would drive via Chapel Road/Back Road and this road is not suitable for increased traffic numbers. • Tolleshunt D'Arcy residents use services and facilities in Tollesbury, which are already oversubscribed.	These comments are responded to where relevant within this committee report.

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	Conditions added to Section 8 of this report.
Anglian Water	Objection due to a lack of capacity for foul water flows; however, if the Council is minded to approve the application the following condition is requested: Strategic Foul Water Strategy.	Noted. In light of more recent comments in the area and noting t the statutory duty of the provider, officers have added the condition in Section 8 of this report.
Ecology (Place Services)	No objection , subject to the following conditions: - Development carried out in accordance with the submitted ecological documents - Construction Environmental Management Plan for Biodiversity - Farmland Bird Compensation Strategy - Biodiversity Enhancement Strategy - Lighting Design Strategy for Biodiversity Essex Coast RAMS should be secured in accordance with the SPD.	Noted and conditions added to 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.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue Service	Advice provided in relation to road surfaces and water suppression. There is an excessive distance to the nearest existing statutory fire hydrate – additional hydrants should therefore be installed within the site. If the development is approved, the service will liaise with the local water provider to ensure that all necessary fire hydrants are provided.	Noted. Informative added.
Essex Police – Designing Out Crime	Advice provided on design provided. Welcome the opportunity to discuss the design with the applicant.	Noted. Informative added.
Highways Authority (ECC)	No objection, subject to the following conditions (and informatives also requested but not listed): • Construction Management Plan • Implementation of access arrangements (both vehicle accesses) • Implementation of visibility splays (both vehicle accesses) • West Street pedestrian crossing • Bus stop improvements • Public Right of Way Nos. 4 and 17 upgrades • Residential Travel Plan • Residential Travel Packs The following were requested as planning obligations on the s106 legal agreement: • A contribution of £450,000 to Essex County Council towards improving public transport links • Annual Travel Plan monitoring fee of £1,817 (index linked) until 1 year after final occupation	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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.	Conditions added to Section 8 of this report.
Minerals & Waste Planning (ECC)	No objection	Noted.
Natural England	No Objection. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.	Noted.
National Health Service Property	No objection , subject to a financial contributions of £78,700 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	The proposal would result in a very low level of less than substantial harm to the significance of Grade II listed 76 West Street.	Noted.
Environmental Health Officer	No objection subject to the following conditions: - Construction Environmental Management Plan (CEMP) - Phase 2 Contaminated Land Investigation	Condition added to Section 8 of this report.
Housing (MDC)	No objection.	Noted
Principle Place Officer	No objection in principle , design advice given.	Design advice taken into account where relevant in considerations including where comments from statutory consultees is also applied.

7.4 Site Notice / Advertisement

- 7.4.1 A press notice was published on 1 May 2025. Site notices were placed near the Site on 30 April 2025. The public consultation period ended on 20 May 2025.

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **724** 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 which is outside the settlement boundary. • Tollesbury; and it expects only 100 houses on "Windfall Sites" over 5 years in the whole District; Tollesbury already has 2 sites with planning granted for 42 dwellings. • The presumption in favour of sustainable development should not be applied. • The Local Plan does not support development outside of settlement boundaries where the intrinsic character and beauty of the countryside is impacted. • Housing should be developed for need not profit. • Developments this size should be 'plan led' so that it does not conflict with policy. • Under the previous government many councils failed to maintain a 5YHLS. Maldon District Council succeeded in reaching theirs and is now reacting in a way that is not protecting the rural communities and heritage assets of the district. • Although Maldon District Council's 5 Year Housing Land Supply has much reduced, as pointed out by the developer, this is only due to national policy changes. • The boundary does not match the Call For Sites. • The Housing Needs Survey carried out by RCCE on behalf of Tollesbury Parish Council states what this village needs and it's not 159 houses. • Removal of productive farmland which would be permanently lost and weakening of food security.	Responses to matters relating to the principle of development are provided within the Principle of Development section or other section of this Committee report where relevant.

Objection Comment	Officer Response
<u>Sustainability of the Site</u> • The development would rely on private motor vehicles for trips, which is against the sustainable aims of the Local Plan. • The local bus service is unreliable, has a service every 2 hours and does not operate at night. • There is a lack of local employment opportunities which will result in additional commuting and deliveries. • There is no safe walking or cycling route to anywhere outside Tollesbury. • The railway station is 9 miles away.	Responses to these matters are provided within the Principle of Development section of this Committee report.
<u>Design and Landscape/Townscape Impact</u> • The development would change the character of the area and does not reflect linear growth as specified in the Design and Access Statement. • The design would appear as suburban block development. • The village has historically grown to the east. • This development has a higher density than the village average. The higher density areas identified in the DAS contain some areas with flats, which skews the numbers • The development does not add to the overall quality of the area, nor is it sympathetic to the character and historic setting of the village. • The Local Plan states that development must protect the amenity of surrounding areas • The West Street houses and the footpath to the South of the site have an open outlook across this land to the river Blackwater. Building houses here will remove the amenity.	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 proposed North Road access would clash with the proposal in application ref 26/00161/OUTM. • There would be risk from supermarket lorries doing home deliveries. • The Transport Assessment uses out of date data and is incorrect. The traffic survey on North Rd carried out in 2021 was during the Covid	Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.

Objection Comment	Officer Response
lock-down periods and does not reflect accurately traffic volumes. • This number of extra houses would mean at least 159 extra cars in and around the village (1 per household) but more likely nearer 240 as some households will have 2 cars. • Residents would use their cars to go into the village centre, increasing traffic and parking stress. • The Transport Assessment tries to mitigate the unsafe North Road access by creating a junction on the bend by cutting back hedgerows, re-grassing verges. There is no mention of ongoing maintenance of those hedgerows or verges. Eventually the hedges will grow and visibility will be impaired. • The development does not consider the impacts of working from home and online shopping. • The development does not confirm that every property would have EV charging. • Walking distances given in the submission are not accurate. • North Road and West street pedestrian accesses would have insufficient width. High Street footways are unacceptably narrow. • Is there a need for the North Road entrance. • There is no indication of how far vegetation will be cut back on visibility splays. • Back Road has no cycle path or street lighting. • Chapel Road is not the preferred route to Tolleshunt D'Arcy or Colchester for most people. The vast majority of cars will go via Colchester Road, which is a protected lane and is also used by horse riders. This is not addressed and the rare road should be protected.	
<u>Natural environment</u> • The development would destroy the habitat for protected birds (including red conservation status birds), small mammals and insects. • Colchester Road is a protected lane and would be impacted on.	Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.

Objection Comment	Officer Response
- The wildlife and natural habitat will undoubtedly suffer due to the increased noise and traffic flow. - The development does not secure any RAMS monitoring fees. - The Tree Protection Plan BM12385-008 rev D is the same one that was submitted in 2023, have the trees not grown since then?	
<u>Heritage Impact</u> - The development would negatively impact on the Tollesbury Conservation Area. - The developer has suggested installing a new bus shelter, which should be considered in terms of heritage impact to grade II listed No. 76 West Street. - The development would harm critical archaeological assets.	Responses to matters relating to these matters are provided within the Heritage Impact Section.
<u>Amenity Impact</u> - Residents in the development would install garden and security lighting, which results in light pollution. - The tranquil area would not be protected, due to the construction of a housing estate on a quiet field. - There would be an unacceptable loss of outlook and visual amenity from existing homes.	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, with an 8% increase to the village population. Other comments have stated a 13% increase. - Increased stress on water facilities. - High levels of bacteria have been found in waters surrounding the sewage works outlet. - Local schools do not have capacity, with the development adding more stress. This would result in vehicle trips to schools. - The school in Tolleshunt D'Arcy is a CofE school, so not an option for some families. The development would therefore reduce parental choice. The admissions would prioritise children from villages that do not include Tollesbury. - The impact of development growth on waste and recycling should be mitigated.	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
- Thurstable School is closer but now has no Sixth Form. - There are no large shops in Tollesbury. - There would be increased school transport costs to ECC.	
<u>Other Matters</u> - Submission documents do not contain accurate or sufficient information. - The applicant undertook a survey, which shows that residents were not in favour of the development. There has been no communication with residents about the current application. - Allowing this application would open the floodgates for others to overdevelop Tollesbury.	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. Public representations have been considered by officers and responses provided where relevant in this Committee report. Every planning application must be considered on its merits at the time of consideration, with due weight given to any relevant other applications as has been conducted in this Committee report.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- 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.
 - A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £450,000
- Education contributions including:
 - Early years childcare financial contribution of £286,043, index linked to Q3 2024
 - Secondary education financial contribution of £874,246, index linked to Q3 2024

- Secondary school transport contribution of £189,114.60, index linked to Q2 2023
- Libraries financial contribution of £12,370.20, index linked to April 2020
- Employment and Skills Plan
- A £700 monitoring fee per obligation (£3,500 total)
- Essex Coat RAMS contribution of £175.55 per dwelling (up to £ 27,912.45 total).
 - Provision of 3.6ha Suitable Alternative Natural Green Space (SANG)
 - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
 - On-site open space facilities which include dog waste bins and interpretation boards.
 - Homeowner information packs to new residents. The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £78,700

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:

- TOR-PP-001 Land Use Plan, received 23/07/2026
- TOR-PP-002 Rev A Building Heights Plan, received 23/07/2026

- TOR-PP-003 Site Location Plan
- TOR-PP-005 Rev A Open Space Parameter Plan

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

5 Housing Unit Size Mix

The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

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 Environmental Management Plan (CEMP)

No development shall take place, 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 (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
- 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
- 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 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;

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 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 Primary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the primary site access on the B1023 West Street shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-007 Rev O'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

11 Primary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, details of the access arrangements and off-site highway works for the primary site access on West Street, as shown in principle on i-Transport's Drawing 'ITB15549-GA-007 Rev O', 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:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the western side of the proposed access road and a segregated 5m footway / cycleway on the eastern side;
- A 2 metres footway on the north side of West Street linking the proposed site access road with Public Footpath no 3 to the west of the site;
- A 4 metre wide segregated footway / cycleway on the north side of West Street to link with a new dropped kerb crossing (together with tactile paving) of West Street to the east of the site access;
- Extension of the 30mph speed limit to the west of the site entrance (with precise location to be agreed with the Highway Authority) and provide a new gateway feature with appropriate signing and line markings as necessary;

- In addition to the above, provision of a 3m shared use pedestrian footway / cycleway running from the aforementioned crossing of West Street to the east of the site access, along the southern side of West Street for approximately 230m, with appropriate signing, lining and tactile paving.

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 Secondary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the secondary site access on North Road shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-002 Rev H'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety 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).

13 Secondary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, the access arrangements and off-site highway works for the secondary site access on North Road, as shown in principle on i-Transport's Drawing 'ITB15549-GA-002 Rev H', 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:

- Subject to approval by Essex Highways, a dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the southern side of the proposed access to connect with the existing pedestrian facility on North Road and leading into the proposed segregated 5m footway / cycleway within the site;
- Vegetation clearance and carriageway widening of North Road together with advance warning signs of the proposed site 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).

14 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 Authority. The bus stop improvements shall include the following:

- Provision of painted new bus cage, raised kerbs, pole and flag with timetable display on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary and dropped kerb (together with tactile paving) of the access to 76a West Street;
- Provision of a painted new bus cage, shelter, raised kerbs, pole and flag with timetable display on the southern side of West Street, for westbound buses, with appropriate footway and hardstanding as necessary;
- Provision of a freestanding Real Time Passenger Information sign 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 and ensure an acceptable impact on townscape and heritage assets, in accordance with Policies S1, D1, D3, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

15 West Street Crossing

Prior to first occupation of any dwelling in the development hereby approved, and as shown in principle in Drawing 'ITB15549-GA-014' of the Transport Assessment, the developer shall provide dropped kerb crossings together with tactile paving on West Street at its junction with North Road and Elysian Gardens. The crossing shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.

REASON To provide pedestrians and the mobility impaired with safe accessibility to the centre of Tollesbury, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

16 Public Footpath Works

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath Nos. 4 and 17 (Tollesbury parish) within the application site shall be submitted to and approved in writing by the Local Planning Authority. 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).

17 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 in consultation with Essex County Council. 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).

18 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 hereby approved 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).

19 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.

20 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.

21 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.

22 Boundary Treatment

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, 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.

23 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:

- Limiting discharge rates to 1.12l/s/ha for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be implemented prior to the first occupation of any dwelling hereby permitted and then retained and maintained throughout the lifetime of the development.

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.

24 Offsite Flooding

No works 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.

25 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.

26 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.

27 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 in consultation with Anglian Water. The strategy shall identify a Sustainable Point of Connection to the public foul network.

Prior to occupation, the Strategic Foul Water Strategy shall be fully carried out in complete accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby approved,

REASON To protect water quality, prevent pollution and secure sustainable development in accordance with Policy D5 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

28 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 written 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.

29 Phase 2 Contaminated Land Investigation

Prior to the commencement of any development hereby approved, 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 include timescales and phasing of remediation works and the following:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- (iii) An appraisal of remediation options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works.

This investigation shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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.

30 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.

31 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.

32 Public Open Space Provision

A scheme for the proposed area of public open space shall be submitted in writing 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 'TOR-PP-005 Rev A Open Space Parameter Plan'. 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.

33 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.

34 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 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).

35 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).

36 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.

37 Photovoltaic Panels

Prior to the occupation of any dwelling hereby approved to which photovoltaic panels are proposed, full details of any photovoltaic panels, mounting frames and any associated equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- Panel dimensions and specifications
- Height above roof level (demonstrated through section drawings)
- Colour, finish and surface treatment
- Mounting angle and method of installation
- Inverter units, switchgear and supporting infrastructure

The photovoltaic panels shall be installed prior to the first occupation of the relevant dwelling which they are attached to, and retained in accordance with the approved details thereafter for the lifetime of the development.

REASON To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure an appropriate design to protect the character of the area, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

38 Mitigation Measures

The development, including construction, hereby approved shall be carried out in accordance with the details contained in the Technical Note – Ecology Walkover Assessment (Wardell Armstrong, March 2025), Breeding bird report (September 2025), Bat Survey (2021) report (Wardell-armstrong, October 2023) Preliminary Ecological Appraisal (Wardell Armstrong, October 2023), Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025).

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 Natural Environment and Rural Communities (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 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.

40 Farmland Bird Compensation Strategy

Prior to the commencement of any development hereby approved, a Farmland Bird Compensation Strategy shall be submitted to, and approved by, the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

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

- purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: ‘AB4 Skylark Plots’;
- locations of the compensation measures by appropriate maps and/or plans;
- persons responsible for implementing the compensation measure.

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

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.

41 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.

42 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).

43 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. Anglian Water

Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposal's suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA) form available on our website Sustainable drainage systems (anglianwater.co.uk), or please contact planningliaison@anglianwater.co.uk.

The lead local flood authority is the statutory consultee for all surface water drainage systems on major developments and should be contacted as soon as possible regarding the proposal.

3. ECC Highways

The Highways Authority (ECC Highways) advise 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 planning application 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 Tollesbury public footpath nos 4 and 17 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.

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details to be agreed with the Highway Authority).

The internal proposals should be in accordance with Maldon District Council's adopted vehicle and cycle parking standards.

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 carriageway.

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.

4. 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 the 15th 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.

5. 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 30 April 2025.

6. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 1 May 2025) when considering the detailed design at reserved matters stage.

CIRCULATED PRIOR
TO THE MEETING



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

to
**DISTRICT PLANNING COMMITTEE
5 AUGUST 2026**

ADDENDUM

AGENDA ITEM NO. 5 Land North of West Street Tollesbury

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.

5.4 Unit Size Mix

Amend Paragraphs 5.4.1 and 5.4.2 as follows:

- 5.4.1 The matters of layout and scale are reserved, which would be considered at reserved matters stage. The current application therefore does not include a detailed unit size mix plan, which would be submitted and considered at reserved matters stage.
- 5.4.2 Officers have updated the housing mix condition (5), when compared to the one set out in the main report. The revised condition would secure the unit size mix to be in accordance with the most recent LHNA and the Technical Advice Note update, the latter in relation to the preferred market housing size mix. The applicant has confirmed their agreement to this amendment. This will ensure that the proposed housing responds to the progressing requirements of the District.

5.5 Quality of Proposed Accommodation

Amend Paragraph 5.5.1 as follows:

- 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 (which would be a manageable density of 25 dwellings per hectare if 159 dwellings are provided within the parameter plan area). The 2025 LHNA provides an up-to-date assessment of the District's population and housing requirements. Paragraph 11.11 of the LHNA highlights the need for the provision of accessible dwellings, per Building Regulations Approved Document M. Officers have had note of the planning obligations secured on the recent appeal decision at Land west of the Cemetery (MDC ref 25/00578/OUTM, PINS ref 6004910) in which 80 per cent of market and affordable units were secured as M4(2) (accessible and adaptable homes) while 10 per cent of affordable homes were secured as M4(3) (wheelchair user dwellings). Officers recommend securing this through a planning condition.

7.2 Statutory Consultees and Other Organisations (Page 70)

Amend consultee comments as follows:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority (ECC)	(In addition to previous comments) The submitted Transport Addendum Note demonstrates that the cumulative impacts of the developments will not have a severe impact on the road network.	Noted.
National Health Service Property	No objection, subject to a financial contributions of ~~£78,700~~ £119,400 towards provision of additional health services in the local area.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT (Page 75)

Amend/add some of the Section 106 Heads of Terms as follows:

- NHS healthcare Primary Care Network infrastructure contribution of ~~£78,700~~ **£119,400**
- Maldon District Council Section 106 administration and monitoring fee of £1,638
- Affordable Housing – 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.

- 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.

PROPOSED CONDITIONS (Pages 76 to 90)

Replace Condition 5 with the recommended condition as follows:

~~The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.~~

~~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.~~

Housing Unit Size Mix

5. 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 to meet the Local Housing Needs Assessment for the District, and the guidance contained in the National Planning policy Framework.



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

to
**DISTRICT PLANNING COMMITTEE
28 OCTOBER 2026**

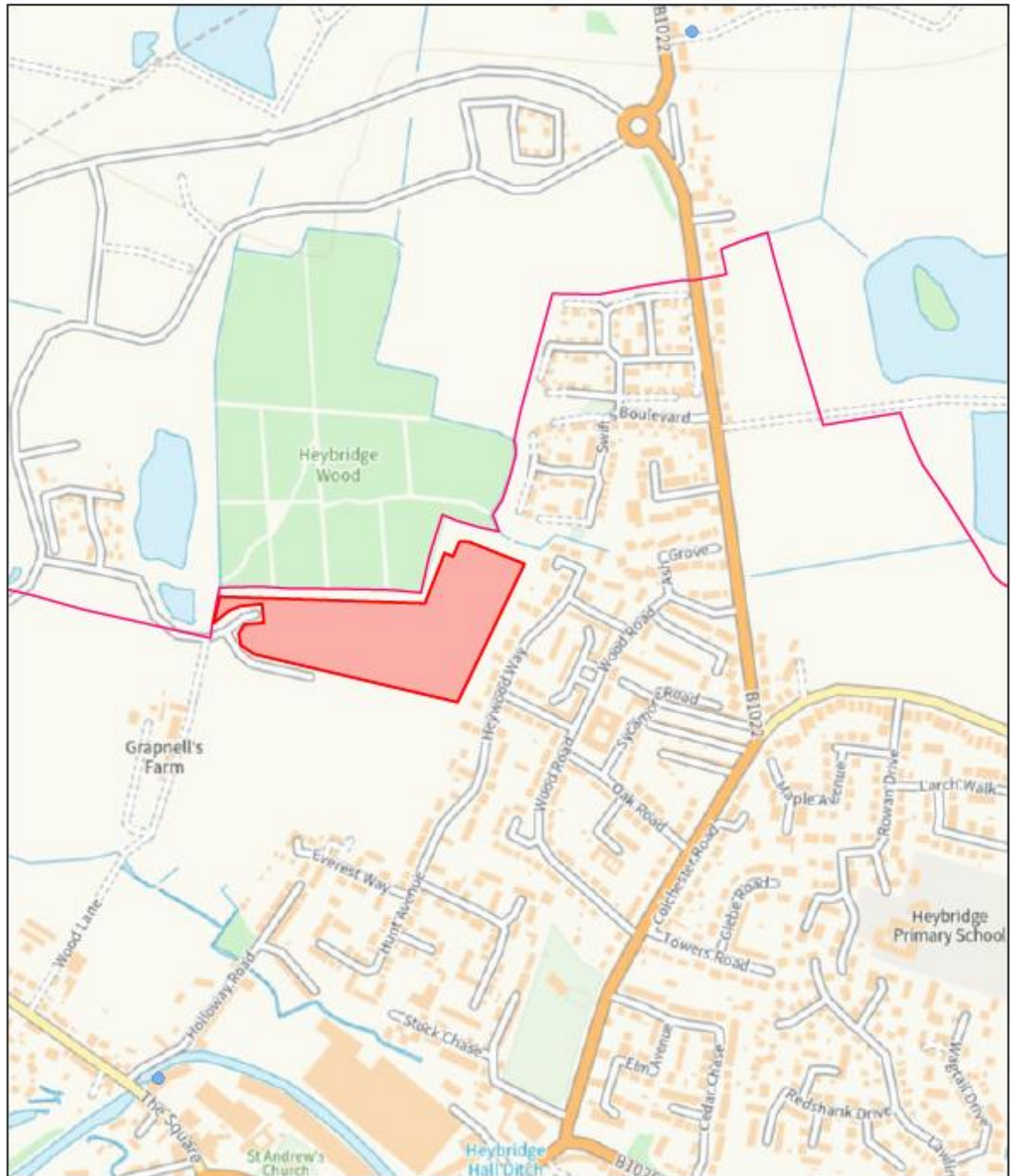
Application Number	25/00865/RESM
Location	Land At Broad Street Green Road And Langford Road And Maypole Road Great Totham / Heybridge
Proposal	Reserved matters application the approval of access, appearance, landscaping, layout and scale for Phase 5 (Parcel 9) for the construction of 110 residential units pursuant to outline planning permission 15/00419/OUT (Part outline/part details (hybrid) application for mixed use and associated development including: (i) residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (outline) (ii) residential care for up to 120 beds (Use Class C2) (outline) (iii) neighbourhood uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D1b) (outline) (iv) primary school and early years childcare facility (Use Class D1c) (outline) (v) a relief road between Broad Street Green Road and Langford Road (detailed element); (vi) formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (outline) (vii) construction of initial gas and electricity substations (detailed); and (viii) all associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (outline).)
Applicant	Mr Reda Iskandar - Abbey New Homes Ltd
Agent	Mrs Helena Tuck - Pegasus Group
Target Decision Date	04.11.2026 (Time Extension agreed by agent)
Case Officer	Chris Purvis
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the Local Development Plan Major Application Affects a Public Right of Way

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

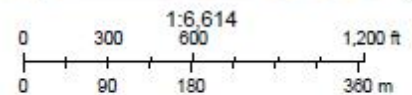
Please see below.



3/23/2026, 5:03:43 PM

DC Case Points

- F
- Parish Polygon



Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey
material with the permission of Ordnance Survey on
behalf of the Controller of Her Majesty's Stationery
Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
Maldon District Council 100018598 2014

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

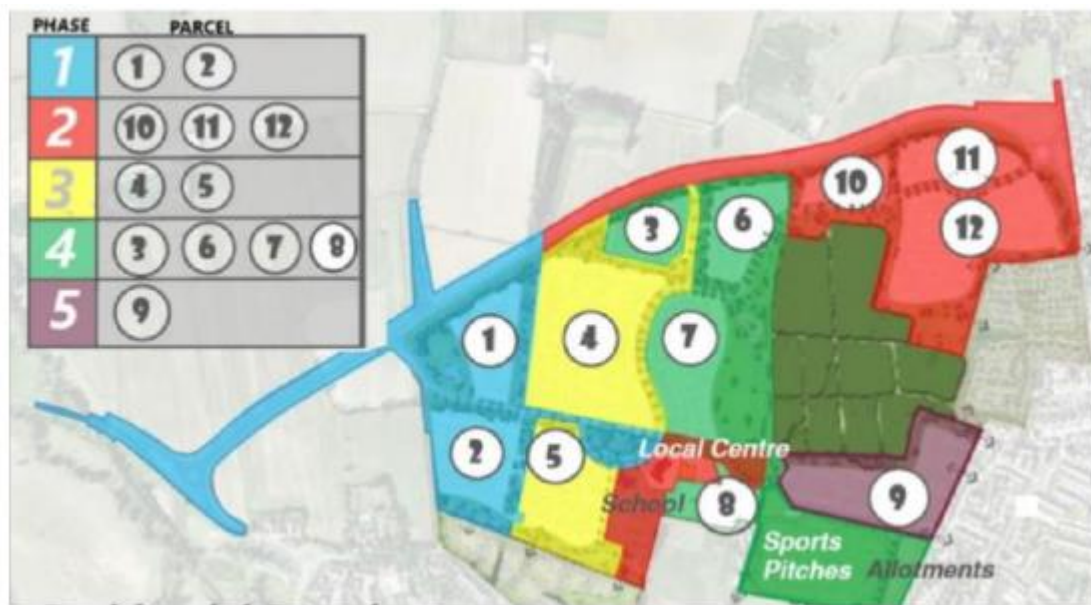
Site Description

- 3.1.1 The application relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb (NHGS) referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid mixed-use development on appeal on 25 October 2019 under reference 15/00419/OUT. The site is located to the north of the Heybridge settlement boundary. The NHGS is also now referred to as Westcombe Park as a place.
- 3.1.2 The site is known as Parcel 9 and occupies 3.31 hectares of land.
- 3.1.3 Immediately to the north of the site is Heybridge Wood, to the east are residential properties in Heywood Way, to the south will be an area of public open space forming part of planning permission reference 15/00419/OUT along with the yet to be developed Parcel 8 of NHGS. Part of Parcel 8 is undergoing the construction of a 66-bedroom care home that was subject to its own planning permission, ref 25/00173/FUL. Also to the west is a Public Right of Way (PRoW) (FPT 17).

Background Information

- 3.1.4 The development granted on appeal under reference 15/00419/OUT was: "Part outline/part detailed (hybrid) application for mixed use development including:
- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline)."
- 3.1.5 Condition 11 of the Outline Permission (15/00419/OUT) required the submission and approval of a Strategic Phasing Plan which shows the development will be delivered in five phases. This condition was originally discharged on 15 May 2020 under Local Planning Authority (LPA) Ref: 20/05039/DET. However, on the 19 November 2021 an application was submitted to re-discharge the condition (21/05187/DET). This application was approved on the 14 January 2022 and saw the inclusion of Parcel 10 in Phase 2 instead of in Phase 4. There were no changes to Parcel 9 which has always been identified to be provided in Phase 5 of the development.

- 3.1.6 The image below sets out the phases of development and parcel numbers and demonstrates how the site fits in with the surrounding development.



- 3.1.7 Reserved Matters has been approved for parcels 1 and 2 (Phase 1) comprising 160 units; parcels 10, 11 and 12 (Phase 2) comprising 262 units; parcel 4 comprising 234 units; and parcels 3, 6 and 7 (Phase 4) comprising 246 units, and parcel 5 (Phase 3) for 104 units.
- 3.1.8 As part of the approval of the associated outline part of the planning permission ref: OUT/MAL/15/00419 a number of site-wide Parameter Plans were approved as set out in condition no. 6. The matters covered by the Parameter Plans are listed below, therefore the detailed reserved matters proposals must fully confirm with the approved parameters.
- Land Use Parameter Plan ref: PRM-01 Rev R;
 - Green and Blue Infrastructure Parameter Plan ref: PRM-02 Rev W;
 - Access and Movement Parameter Plan ref: PRM-03 Rev P.
 - Building Heights Parameter Plan ref: PRM-04 Rev P; and
 - Residential Density Parameter Plan ref: PRM-05 Rev Q.
- 3.1.9 The outline part of the planning permission ref: OUT/MAL/15/00419 includes a number of associated conditions of direct relevance to subsequent reserved matters submissions such as this, in particular:
- Condition no. 2 – Requires approval of reserved matters before any development other than preliminary ground works is undertaken;
 - Condition no. 6 – Requires development to be carried out in accordance with approved details including the various Parameter Plans as discussed in detail in section 2 of this Planning Statement;
 - Condition no. 11 – Before or concurrent with the first submission of Reserved Matters a Strategic Phasing Plan be submitted and approved; and
 - Condition nos. 28 to 32 – Requires any reserved matters application to include details of pedestrian and cycle routes (condition 28), vehicle parking (condition 29), cycle parking facilities (condition 30), landscaping strategy (condition 31) and recycling facilities (condition 32).

- 3.1.10 It is also important to refer to outline condition no. 37 which requires the housing mix of the development to include a minimum of 50% one- and two-bedroom dwellings, a minimum 30% of three-bedroom properties and no more than 20% four-bedroom+ dwellings.
- 3.1.11 Outline condition no. 38 requires not less than 4% of the dwellings be smaller one- and two-bedroom properties that are single-storey in height.

Description of the Proposal

- 3.1.12 This application seeks approval of the reserved matters including access, appearance, landscaping, layout and scale for the construction of 110 residential units with associated parking, servicing and landscaping for Parcel 9 (Phase 5) of the land allocated under Policy S2(d) 'North of Heybridge' for 1,138 homes.
- 3.1.13 The details below explain what is for consideration and determination:

Access

- 3.1.14 The main vehicle access into Parcel 9 would be from the western side of the site which would link up with the proposed and existing road network through the wider NHGS and onto the existing public highway network beyond. Parcel 9 would generally form a cul-de-sac style of development with no through vehicle traffic route beyond this part of the NHGS with two vehicle access points shown, one at the western side of the site and one at southern side of the site.
- 3.1.15 The pedestrian access follows the routes of the vehicle access but also includes a footpath and footpath links to the northeast corner of the site where the paths can join with existing paths into the existing housing development that forms Local Development Plan (LDP) site S2(f) West of Broad Street Green and the roads off Swifts Boulevard.
- 3.1.16 Another pedestrian link access is shown which leads from the eastern site boundary then crossing an area of land and then linking up with land in front of the dwellings numbered 123-131 Heywood Way. The totality of this pedestrian access footpath is subject to planning application reference 26/00422/FUL as it falls outside of the site, as part of the link section from within this reserved matters application site.

Layout

- 3.1.17 The proposed layout plans show two vehicle access points into the site that would link to internal roads accessing all proposed dwellings. The layout plans show that houses would front onto the internal roads and would face towards Heybridge Wood to the north, and the access road and public open space to the south. Housing layouts in the crescent and streets would have gardens backing onto gardens.

Scale

- 3.1.18 There would be bungalows, and all houses would be two storeys high. The one apartment block would be three storeys. All building would have pitched roofs. The range of building heights in dimensions vary from 5.8m high for the bungalows, 9.17m high for the tallest house type and 11.7m high for the apartment block.

Appearance

- 3.1.19 All dwellings would continue to follow a similar design approach to the existing and consented development within the NHGS. This would include traditional design features including pitched roofs, gable projections, balcony features, soldier coursing above windows and porch canopies. The materials to be used would include red and buff coloured face brick, horizontal weatherboarding cladding in a cream colour option, brown and grey tiled roofs comprising of plain tile designs, a range of front door styles and similar sized window designs. The boundary details would include 1.8m high brick walls, 1.8m high close boarded fencing and garden gates, and a 450mm timber knee rail.

Landscaping

- 3.1.20 The application includes a landscape plan and a landscape management plan. The landscaping plan shows each dwelling's rear garden would have a laid to lawn garden with small patio area, along with the boundary treatment stated above. To the front of each dwelling including the apartment blocks there would be a mix of ornamental planting, hedgerow planting, turf and hard landscaped pathways and driveways.
- 3.1.21 Within areas to the north of the site towards Heybridge Wood more structured landscaping would be formed including swales and the attenuation basin in the north of the site for surface water management. This structured landscaping would include wildflower lawn seed, native planting, hedgerow and tree planting. The hedgerow arrangement in this location would provide a natural boundary alongside the footpath/cycleway that pass through this part of the site. Trees are shown to be planted at various locations throughout the site. Another hedgerow boundary would be formed along the site's southern boundary where this would front onto the access road that serves the future areas of public open space to the south. Other structured site wide landscaping has already been approved to discharge condition 12 of application reference 15/00419/OUT.

3.2 Conclusion

- 3.2.1 The reserved matters of 'access', 'layout', 'appearance', 'landscaping' and 'scale' are considered acceptable for this development having regard to the material considerations of their design and visual impact upon the character and appearance of the area, amenity provision, living conditions for future residents, the impact upon neighbouring amenity, highway considerations in regard to access and parking, drainage and refuse and waste management subject to conditions were identified in section 8 of this report, and with regard to the relevant policies of the LDP, policies of the National Planning Policy Framework (NPPF), the Planning Policy Guidance (PPG), the NHGS Strategic Masterplan Framework and the NHGS Strategic Design Code.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- Paragraph 17 Achieving Sustainable development

Procedural Policies

- 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

Sustainable Development

- Chapter 4 - Achieving sustainable development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 5 - Meeting the challenge of climate change
 - CC2 Mitigation of climate change
 - CC3 Adaption to climate change

Delivering homes and support growth

- Chapter 6 - Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO8 Providing affordable homes
 - HO9 Specialist forms of accommodation
- Chapter 10 - Securing clean energy and water
 - W3 Renewable and low carbon energy development and electricity network infrastructure
 - W4 Water infrastructure

Creating high quality, sustainable places

- Chapter 12 - Making effective use of land
 - L2 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
 - HC7 Development affecting existing recreational land and facilities
 - 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

- P5 Maintaining public safety and security

Conserving and enhancing the environment

- Chapter 18 - Managing flood risk and coastal change
 - F8 Sustainable drainage systems and watercourses
- Chapter 19 - Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N3 Trees in new development
 - N6 Areas of particular importance for biodiversity and geodiversity

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- 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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- North Heybridge Garden Suburb Strategic Masterplan Framework (SMF)
- North Heybridge Garden Suburb Strategic Design Code (SDC)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1.3 of this Report. The granting of 15/00419/OUT therefore establishes that the principle of the development of the site is acceptable. The reserved matters application relates to the delivery of the residential element of parcel 9.
- 5.1.2 It is necessary to consider whether the details submitted accord with the details set out in the approved parameter plans, the NHGS Strategic Masterplan Framework, the NHGS Strategic Design Code, and the relevant LDP policies as well as the latest version of the NPPF.

5.2 Design and Impact on the Character and Appearance of the Area

- 5.2.1 The planning system promotes high-quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 Policies D1, H4 and S1 of the LDP and Policies DP3, DP4, L3 and N2 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 and achieve appropriate densities while providing a coherent arrangement of buildings, streets, open spaces, landscaping and pedestrian routes. Developments should also contribute positively to the natural environment. The MDDG provides further guidance on layout, movement, built form, landscape structure, parking and the relationship between public and private space.
- 5.2.3 The Council envisaged that the South Maldon Garden Suburb and NHGS would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The development is subject to a SMF and Design Code. The NHGS SMF and the NHGS SDC have both been endorsed by the Council as material considerations for Development Management purposes.
- 5.2.4 The details included within the SDC relate to the main structuring elements, whilst maintaining flexibility for each developer to decide how to bring forward individual plots. These design codes are therefore a material consideration for the assessment of the landscaping and infrastructure elements of the approved development more so than the individual parcels. Nevertheless, the NHGS SDC includes guidance in relation to the character areas, car parking and bin storage, which are relevant to the assessment of the submitted development.
- 5.2.5 The SMF recognises the importance of green infrastructure (section 5.17) and the character areas (6.4) includes design guidelines on the 'woodland edge' recognising that Heybridge Wood is a key feature of the Garden Suburb providing an opportunity to provide new development that faces towards the woodland rather than turning its back on it.
- 5.2.6 The SDC GE02 requires a minimum 15m buffer zone to Heybridge Wood and within the space a range of functions such as planting, surface water drainage and walking routes can be provided. SDC GE03 recognises that development in this location

would be overlooking the sports pitches and development must provide a clearly defined threshold between public and private land.

Layout

- 5.2.7 The three-storey apartment block is located in the middle southern part of this land parcel, and the layout plan shows all single and two storey dwellings. The majority of the dwellings around the edge of the site would front onto the highway or neighbouring land areas such as towards the woodland to the north to meet with the requirements of the SMF. Two internal roads are proposed, one with an access to the western and one with an access from the south part of the site, all leading to internal roads. The housing is shown to be laid out in blocks and crescents with gardens backing onto each other. In layout terms there are no objections to the design approach for this application which is considered acceptable.

Density

- 5.2.8 The Residential Density Parameter Plan from the hybrid permission ref. 15/00941/OUT allows for a density range of between 26-32 dwellings per hectare towards the northern extent of the parcel, due to its proximity towards the Heybridge Wood, and a density range of between 30-36 dwellings per hectare for the remainder of the parcel. The proposed development for this land parcel complies with the density range criteria as set out in the Residential Density Parameter Plan.

Scale

- 5.2.9 The Building Heights Parameter Plan from the hybrid permission ref 15/00941/OUT restricts the eastern side of this land parcel to a maximum of two-storey building heights with the western side of the land parcel allows for two - three storey building heights. The proposal shows that all bungalows would be located in the eastern half of the land parcel. Throughout the site all houses would be two storeys high, and the central apartment block would be three storeys high. Therefore, the proposal would comply with the requirements of the Building Heights Parameter Plan.

Levels

- 5.2.10 The proposal would involve the raising of ground levels for the development and to allow for drainage to be installed. The existing properties along the western side of Heywood Way have a range of ground levels between 6.77m to 7.17m in height. The proposed development would have ground levels of between 6.85m and 8m at the lowest and highest levels at the site respectively. The highest ground level would be located adjacent to the existing road that has been built to access this part of the Garden Suburb. This road has been built higher than the existing surrounding ground levels of the fields north and south of this road. The proposed dwellings would have a range of Finished ground Floor Levels (FFL) ranging from 7.1m (in the eastern side of the site) to 7.9m (mid-way along the southern boundary with the existing road).
- 5.2.11 It is common practice for building sites to increase ground levels and with the existing road being constructed above the existing surrounding grounds means the development has to increase ground levels to allow for access from the road but also to help the site assimilate with its surroundings. The ground level of the site would reduce towards the northern part of this land parcel so the main increase in ground levels would be adjacent to the existing road serving this part of the Garden Suburb and would match those levels at its most southerly point. If the road had been built to a lesser height that would have helped but it hasn't and whilst the increased ground levels initially raised concerns the application proposes to maintain grounds as much

as possible apart from the southern section of the site where it meets the road. Careful consideration has been given to these changes and, on balance, the increased ground levels are not considered unacceptable in this instance.

Appearance

- 5.2.12 The Design Code provides design guidance and the 'Woodland Edge' where part of this land parcel is located requires a natural material palette. Through the application process amendments to the proposal were made including changes to design features but also the materials palette to reflect earlier phases of the Garden Suburb but also in response to its woodland edge.
- 5.2.13 All dwellings would continue to follow a similar design approach to the existing and consented development within the wider site of Westcombe Park. The design approach would include traditional design features including pitched roofs, gable projections, solidier coursing above windows, and brick banding. The materials to be used would include red and buff coloured face brick, horizontal weatherboarding cladding in a cream colour option, brown and grey tiled roofs comprising of plain tile designs and similar sized window designs. The boundary details would include 1.8m high red and buff coloured brick walls, 1.8m high close boarded fencing and garden gates and 450mm timber knee rails. There are no objections to the design approach for this land parcel which is considered acceptable in regard to LDP policy D1 and NPPF policy DP3.

Landscaping and Trees

- 5.2.14 The Green Infrastructure Parameter Plan from the hybrid permission ref 15/00941/OUT requires a 15m buffer zone around the perimeter of Heybridge Wood as this woodland is identified as an ancient woodland. This plan also includes the requirement for open space to be provided around the perimeter of the woodland. Furthermore, Condition 31 of the hybrid permission requires a landscaping strategy to be provided with any reserved matters application.
- 5.2.15 Within areas of this land parcel south of Heybridge Wood more structured landscaping would be formed in the northwest part of the site. This area would also feature surface water management and the pumping station compound. There are parts of the swales that project into the 15m buffer zone around the perimeter of Heybridge Wood but SDC GE02 allows for this. The arrangement of swales with landscaping would restrict access into this area and therefore this would help maintain the buffer zone around Heybridge Wood. The Place Services Tree Officer has no objection to the application with the applicant's Arboricultural Impact Assessment confirming that no development other than the surface water drainage provision would be constructed within the woodland buffer zone.
- 5.2.16 The structured landscaping would include flowering lawn seed, native planting, hedgerow and tree planting. The hedgerow arrangement in this location would provide a natural boundary alongside the footpath that passes through this site and forms part of this development. Trees are shown to be planted at various locations throughout the site. Hedgerow boundaries to be up to 1m in height would be formed along the site's southern boundary where this would front onto the access road that serves the future areas of public open space to the south. Other structured landscaping has already been approved through various applications to the discharge condition 12 of application reference 15/00419/OUT.
- 5.2.17 The application includes a landscape plan and a landscape management plan. The landscaping plan shows each dwelling would have a laid to lawn garden with a small

patio area and pathways to rear and side access points (where applicable), along with the boundary treatment stated above. To the front of each dwelling including the apartment blocks there would be a mix of ornamental planting, hedgerow planting, turf and hard landscaped pathways and driveways. The landscape management plan provides details about the long-term maintenance and management of this land parcel and will be subject to a planning condition along with a planning condition requiring the soft landscaping to be implemented in the first available planting season.

- 5.2.18 There are no objections raised to the proposed landscaping of this land parcel which is considered acceptable in regard to LDP policy D1 and the policy and criteria guidance within the NPPF.

Conclusion for this section

- 5.2.19 Overall, the development would accord with the approved parameter plans and the guidance contained within the NHGS SDC regarding the Garden Suburb character area. The development would also follow the good design principles set out in the Maldon District design SPD. Overall, it is considered that the layout, mass, height, form, design and appearance of the development would be acceptable and would be a good representation of the Garden Suburb character area that is aimed for this section of the NHGS. Therefore, it is considered that proposed development would meet with the requirements of policies D1, H4 and S1 of the LDP and Policies DP3, DP4, L3 and N2 of the NPPF

5.3 Amenity Space and Living Conditions

- 5.3.1 For amenity space, the application submission includes an amenities plan showing that generally all two-bedroom properties would have at least or more than 50 sqm of garden space and generally all three- and four-bedroom properties would have at least or more than 100 sqm of garden space. There would be few properties with less than 100 sqm of garden space and these are located at plots 100, 104, 108, 109 and 72, with plot 75 having less than 50 sqm of garden space. The plan shows areas of shared amenity space for the apartment blocks, but this building does also face onto the large area of public open space that would be formed to the south of the site. The land parcel does not include any designated formal open space. Overall, the proposed private amenity, the shared amenity space for the apartment block and the wider public open space to be formed to the south would provide an acceptable level of amenity provision with regard to LDP policy D1 and NPPF policy L2.
- 5.3.2 There are no requirements in the Parameter Plans from the hybrid permission 15/00419/OUT for any play space locations within this land parcel. The Green Infrastructure Parameter Plan shows the playing fields to the south along with an area to the southwest of the land parcel for a Local Equipped Area of Play (LEAP), which is a play space that can easily be accessed by future occupiers of this land parcel.
- 5.3.3 In terms of living conditions for future occupiers, 78 dwellings would comply with the National Described Space Standards, but 32 dwellings would be below the National Described Space Standards and whilst this is undesirable the LDP does not have a policy requiring all dwellings to meet the National Described Space Standards. The National Described Space Standards remain an optional consideration and the most recent NPPF does not include a policy requiring all new dwelling to meet these requirements. The proposed layout of the development would ensure all windows would have sufficient light and would not give rise to any harmful overlooking or loss of privacy issues to other properties within the land parcel. On this basis, it is

considered that a good quality of life for the occupiers of the proposed residential units would be provided.

5.4 Impact on Neighbouring Amenity

- 5.4.1 The basis of policy D1 of the approved 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 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.4.2 NPPF policy P3 considers living conditions and pollution for occupiers, users and sensitive receptors including vulnerable groups and the environment. NPPF policy P4 considers the impact of development on existing activities and follows the 'agent of change' principle where the impact of development should not place unreasonable restrictions on existing business, community facilities, public services, defence and security.
- 5.4.3 This land parcel's eastern side would be in close proximity to the properties in Heywood Way as the nearest dwellings to the proposed development. There is a strip of land in between the boundary of the land parcel and the location of the properties in Heywood Way. There are approximately 16 properties that have a boundary adjacent to this land parcel, with the strip of land in between. There are approximately four existing properties that have their side (flank) wall facing towards the land parcel and the rest of the properties would have the rear garden and rear elevation facing the land parcel. The existing properties with side walls facing towards the land parcel either don't have any window openings or appear to have openings that are for non-habitable rooms such as a landing window. The properties with rear gardens and rear elevations facing the land parcel would appear to have habitable rooms facing the land parcel.
- 5.4.4 The proposed layout has carefully considered the arrangement of the new dwellings in relation to existing neighbouring properties to the east of the site. Within the central part of the eastern side of the land parcel would be one of the internal roads where there are bungalows and two storey dwellings that would front onto this road, but these are set back from the eastern site boundary and are located on the western side of this internal road, so sufficiently distant in terms of building-to-building distances. To the northern section of the land parcel one dwelling would have its principal elevation facing towards the east and two dwellings would have flank walls facing east towards the neighbour but these properties are set in from the site's boundary where road is proposed. Two bungalows and parking areas, and one pair of semi-detached dwellings would be located towards the site's southeastern corner.
- 5.4.5 SDC BE02 requires a minimum back-to-back to distance of 20m between the existing rear elevations and proposed housing on this land parcel, with rear gardens to minimise overlooking and loss of privacy for both new and existing properties. The nearest proposed building to existing building distance would be for plot 92 towards the side elevation of 99 Heywood Way measuring approximately 11.73m but this arrangement is not a back-to-back to distance as the proposed dwelling on plot 92 would have a flank side elevation facing towards the flank side elevation of the neighbouring property. For all other properties the proposed layout of the development would not involve any back-to-back distances with gardens in between. Instead, the proposed layout shows dwellings fronting onto an internal road within the land parcel with the front elevation of dwellings set back from the road with parking in front of many of them. Some of these properties are bungalows and some have flank

walls facing towards the neighbouring properties in Heywood Way. There is no conflict with SDC BE02 requirements as all building-to-building distances, apart from the one stated, would be exceeded and the proposal would not result in any overlooking or loss of privacy issues. These layout arrangements would not adversely impact upon residential amenity of neighbouring occupiers to the east in Heywood Way.

- 5.4.6 In reaching the above conclusions, consideration was given to the changes in ground levels. The existing dwellings in Heywood Way are located at similar ground level to the existing field but some raising of the ground levels would result as shown in the 'site levels plan'. To assist in the consideration of the impact of the changing ground levels a 'site sections plan' was created to show the differences. The most significant change would be at the southeastern corner of the site adjacent to 101 Heywood Way and to assist in integrating the proposed development with the existing neighbourhood the two storey dwellings in this location were amended to accommodate two bungalows instead. The site sections plan shows similar ground levels to the existing dwellings in the neighbourhood to the east.
- 5.4.7 The proposal would result in a change from the existing field to a residential land use, but this has already been agreed through the hybrid application ref 15/00941/OUT so any increase in activity, noise and disturbance has already been considered. The proposed residential land use of the existing field would not adversely impact upon residential amenity of neighbouring occupiers to the east in Heywood Way.
- 5.4.8 Overall, it is considered that the proposals would not result in harm to the amenities of occupiers of the neighbouring residential properties and therefore there is no conflict with LDP policies D1 and H4 and NPPF policies P3 and P4. There is also no conflict with section C07 of the MDDG nor the requirements of SDC BE02.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes and include safe and secure vehicle and cycle parking having regard to the Council's adopted VPS, as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The SDC also includes parking guidance that requires parking provision to comply with the Council's adopted parking standards.
- 5.5.2 NPPF policy TR4 require development 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.

Access

- 5.5.3 The main vehicle access into this land parcel would be from the western side of the site which would link up with the proposed and existing road network through the wider NHGS and onto the existing highway network. This land parcel would generally form a cul-de-sac development with no through route other than another junction in the southern part of the site onto the access road that serves the future areas of public open space to the south. Beyond that the eastern end of the NHGS has no

further vehicle access opportunities due to the existing housing development to the east in Heywood Way, with Heybridge Wood to the north and the areas of future public open space to the south.

- 5.5.4 For pedestrian access, the Access and Movement Parameter Plan from the hybrid permission ref 15/00941/OUT requires a pedestrian and cycle route through this land parcel running to the south of Heybridge Wood. Condition 28 of the hybrid permission ref 15/00941/OUT requires details of pedestrian and cycle routes to be provided for determination with the reserved matters application. The pedestrian and cycle access complies with the Access and Movement Parameter Plan and this shared footpath/cycle path links to the northeast corner of the site where the paths can join with existing paths into the existing housing development that form LDP site S2(f) West of Broad Street Green and the roads of Swifts Boulevard.
- 5.5.5 A second footpath would link through to Heywood Way adjacent to numbers 123 to 131 and would join to the existing footpath that currently provides access to these properties. The proposed footpath is shown on the plans to this application adjacent to plot 81 but the provision of this footpath is subject to a separate planning application reference 26/00422/FUL because it falls outside of the red line area for the original outline planning permission and this reserved matters application. For this reserved matters application there are no objections raised to the principle of the provision of this footpath or the area located for the footpath. Application reference 26/00422/FUL will determine the exact location of this path.
- 5.5.6 On that basis, no objection is raised to the proposed access arrangements with regard to LDP policy T2 and NPPF policy TR4.

Parking

- 5.5.7 Condition 29 of the hybrid permission ref 15/00941/OUT requires details of vehicle parking provision to be provided for determination with the reserved matters application. In terms of parking provision, policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's VPS sets the standards as follows:
- On plot parking: Minimum one parking space per dwelling; one space per one-bed; two spaces per two- to three-bed; and three spaces per four+bed;
 - Visitor parking: One per four dwellings;
 - Off street parking: At least one home charging point per dwelling
 - Cycle parking: None, if garages provided; otherwise, one per one-bed unit, two per two+ beds unit; plus one per eight units (for visitors)
- 5.5.8 The proposed parking arrangements would include on-site parking provision for all houses on the site. The bungalows and apartment block would provide parking in parking courts adjacent to those buildings. Parking provision shows that each house would have two off street parking spaces, with the larger houses having three off street parking spaces and each bungalow or apartment one space per unit. There would also be 13 visitor spaces located in different locations throughout the proposed development. Parking is mainly in the form of open air parking although there would be garages and car ports proposed in various locations throughout the site.
- 5.5.9 Each house and bungalow would have room within the rear garden to provide a cycle store or shed type of building to store a bicycle, and some houses would have a garage. The apartment block would include cycle storage within the same building as the bin storage.

Conclusion to this section

- 5.5.10 Based on the above, the development would not cause harm in relation to highway capacity or highway safety, and parking and cycle provision is acceptable. The proposal is therefore considered to accord with LDP policies D1 and T2, the Council's VPS, the SDC guidance and NPPF policy TR4.

5.6 Flood Risk and Drainage

- 5.6.1 This reserved matters application only needs to consider the layout, scale, appearance, and landscaping of the surface water drainage systems.
- 5.6.2 The overall drainage strategy was approved as part of the hybrid application 15/00419/OUT. The approved drainage scheme does not consider this parcel, so information has been provided with this application, but the technical details and full details are subject to an application to discharge planning conditions 9 and 10 of application reference 15/00419/OUT for this parcel of land through reference 25/05144/DET. The surface water drainage scheme shows a series of swales and attenuation basins proposed towards the site's northern boundary with the surface water draining to these areas which then link to the NHGS site wide surface water drainage systems that were approved through applications references 22/05075/DET and 21/05121/DET in respect of conditions 9 and 10 of application reference 15/00419/OUT. The Essex County Council (ECC) Sustainable Drainage Systems (SuDS) team have no objections to the application to discharge the surface water drainage condition, reference 25/05144/DET.
- 5.6.3 With regard to foul drainage, it is noted that this is secured through condition 16 of application 15/00419/OUT, which required the submission of details of the foul water drainage. Foul water is drained by gravity to a discharge point in the southern part of the site to then connect to the wider infrastructure network within the Garden Suburb. However, application reference 25/05144/DET is also to consider the foul water drainage details of this land parcel, and through that application, Anglian Water has confirmed they have no objections.
- 5.6.4 Overall, the proposed layout, scale, appearance, and landscaping considerations for the surface water drainage scheme is considered acceptable in relation to flooding and drainage and LDP policy D5 and NPPF policy F8.

5.7 Refuse and Waste Management

- 5.7.1 With regard to refuse and recycling, condition 32 of the of the hybrid permission ref 15/00941/OUT requires details of the recycling facilities to be provided with any reserved matters application.
- 5.7.2 With regard to waste management, the 'Refuse Strategy Plan' shows bin storage locations within the garden areas of each house and bungalow and bin storage areas adjacent to the highway for each apartment block. Each property would have a bin storage area in accordance with the Council's current waste strategy. The 'Refuse Strategy Plan' shows the tracking arrangements for refuse and recycling collections and how this would work in practice.

5.8 Removal of Permitted Development Rights

- 5.8.1 It is noted that given the limited size of the plots and their relationship with neighbouring occupiers, any alterations / extensions to the dwellings or erection and installation of fencing and hardstanding may result in an unacceptable impact upon

residential amenity. Furthermore, the living conditions of the future occupiers could be adversely affected by rear extensions or outbuildings if they reduced the back-to-back distances between dwellings. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for Schedule 2, Part 1 Classes A, B, C, D and E and Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is also reasonable and necessary to impose a condition requiring that one master antenna is installed on the roof of each apartment block, rather than separate satellite dishes and antenna for each flat, to protect the character and appearance of the area.

5.9 Other Matters

- 5.9.1 The following information are for information purposes and do not form part of the determination requirements of this reserved matters application.

Housing Mix

- 5.9.2 The housing mix requirements were set through the imposition of planning conditions and obligations in the Section 106 (S106) of the approved hybrid application 15/00419/OUT. In particular condition no. 37 requires the housing mix of the development to include a minimum of 50% one- and two-bedroom dwellings, a minimum 30% of three-bedroom properties and no more than 20% four-bedroom+ dwellings. As part of previous reserved matters applications on the wider site, Maldon District Council has confirmed that this applies to the development as a whole and not individual reserved matters applications.
- 5.9.3 This reserved matters application the proposed development would deliver 110 new dwellings on the site (Use Class C3) comprising of 92 houses (70%), six bungalows (5%) and 12 apartments (25%).
- 5.9.4 A breakdown of the mix shows that this parcel would deliver 55no. one- and two-bedroom units equating to 50%, 29no. three-bedroom units equating to 26% and 26no. four-bed units equating to 24%. When combined with that already approved across the Garden Suburb ensuring compliance with Condition 37 of the hybrid permission.
- 5.9.5 It is also important to refer to outline condition no. 37 which requires the housing mix of the development to include a minimum of 50% one- and two-bedroom dwellings, a minimum 30% of three-bedroom properties and no more than 20% four-bedroom+ dwellings for the entire development across the NHGS. The proposed development would provide a range of house types that would meet the requirements of condition 37 for housing mix across the NHGS.
- 5.9.6 The table below shows the dwelling mix for this application:

House type	Bedrooms	Storeys	Total Number
Type B	2	2	6
Type B SP	2	2	11
Type C	2	2	4
Type F	2	2	7
Type A	3	2	9
Type D	3	2	4
Type G	3	2	10
Type T	4	2	2

House type	Bedrooms	Storeys	Total Number
Type X	4	2	10
Type N	4	2	6
Type R	4	2	4
Type I	4	2	4
Total			77
Affordable			
AF1	1	3	3
AF2	1	3	3
AF3	1	3	3
AF4	1	3	3
HA1B	1	1	3
HA2B	2	1	3
HA3	2	2	9
HA1	3	2	6
Total			33

5.9.7 Condition no. 38 on the outline consent requires not less than 4% of the dwellings be smaller one- and two-bedroom properties that are single-storey in height. This application includes six bungalows, which is 5% of this reserved matters application and therefore meets the condition requirement.

5.9.8 Overall, the proposed development would deliver a range of accommodation types and sizes, including two-, three- and four-bedroom houses suitable for families, as well as smaller one apartments and bungalows suitable for first time buyers or couples. This mix will assist in providing a sustainable and balanced community within this phase of the development.

Affordable Housing

5.9.9 There would be 33 affordable housing units provided (30%) through this application. The locations of the affordable housing units are shown to be located throughout the site and would be provided through a mix of houses, bungalows and apartments. Although not for determination through this application, as affordable housing is a requirement of the S106 legal agreement, a plan within the application shows that all affordable units would be offered for Affordable Rent.

5.9.10 The provision of affordable housing on this parcel shows that 23 units would for affordable rent and 10 units would be for shared ownership.

5.9.11 The table below shows the total number of affordable housing units provided for the entire Garden Suburb development.

PHASE	PARCEL	TOTAL	PD	AFF
1	1 & 2	160	112	48
2	10, 11 & 12	262	183	79
3A	4	234	164	70
3B	5	104	72	32
4A	3, 6, 7	246	172	74
4B	8	0	0	0
5	9	110	77	33
		1116	780	336
		PERCENTAGE	70%	30%

- 5.9.12 The Councils Strategic Housing Services have reviewed the application and fully support this mix, and further support is attributed to the distribution of the affordable housing which would meet the Nationally Described Space Standards. It should be noted that the ongoing delivery of affordable housing across the phases as they have progressed has been carefully monitored to ensure a coordinated approach to compliance across the development as a whole.
- 5.9.13 The proposed dwelling mix, and provision of affordable housing on this parcel would assist in the deliverability of the future phases and compliance with the wider requirements of the NHGS, and policy H2 of the LDP.

Ecology and Biodiversity

- 5.9.14 The outline planning permission predates the introduction of the mandatory requirement for development to deliver a 10% net gain in the biodiversity value of the site. However, because the principle was already established by LDP policy N2, adding biodiversity value is already designed into the wider green infrastructure within the garden suburb and does not form part of the detailed design at Parcel 9.
- 5.9.15 An Ecological Conservation Management Plan (August 2022) has been approved pursuant to condition 13 on the outline planning permission and secures enhancement measures through the creation of new habitats, and would conserve protected and priority species such as bats, badger, reptiles, nesting birds, and common toad. Furthermore, the proposed biodiversity enhancements, which have been recommended by the Ecological Conservation Management Plan (August 2022) and secured via condition 13 on the outline permission, would secure net gains for biodiversity and is supported.
- 5.9.16 On the basis of the above and the landscape proposals included in this application there are opportunities for ecology improvements, and which would help provide certainty to the LPA of the likely impacts on designated sites, protected and priority species & habitats and, which confirm that, with appropriate mitigation measures secured, the development can be acceptable.

Lighting

- 5.9.17 With regard to lighting, condition 35 of the hybrid permission ref 15/00941/OUT requires details of any external lighting to be agreed prior to its installation. There are no details regarding this information with this application, and such matters would be secured through the discharge of a planning application process.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is set out below:

Application No.	Description	Decision
15/00419/OUT Site Wide Planning Permission	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline); (ii) Residential Care for up to 120 beds (Use Class C2) (Outline); (iii) "Neighbourhood" uses which may include retail, commercial, and	Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019. 47 Planning conditions S106 agreement

Application No.	Description	Decision
	community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline); (iv) Primary school and early years childcare facility (Use Class D1c) (Outline); (v) A relief road between Broad Street Green Road and Langford Road (Detailed element); (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).	
20/05035/DET Strategic management and maintenance plan	Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan	Approved 11.05.2020
20/05039/DET Strategic Phasing Plan	Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan	Approved 29.04.2021
21/05187/DET Strategic Phasing Plan	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan	Approved 14.01.2022

6.1.1 Phase 5 – Abbey Homes Parcel 9

Application Number	Description	Decision
25/05144/DET	For Phase 5 Parcel 9 - Condition 9 - Surface water drainage scheme. Condition 10 - Details identifying who is responsible for the management and maintenance of all aspects of the proposed SuDS network. Condition 16 - Foul water drainage.	Pending consideration
26/05032/DET	Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development including: Condition 18 - Tree retention and protection	Pending consideration

Application Number	Description	Decision
26/00422/FUL	Proposed footpath, 2m wide by some 10m long, to form pedestrian link between Heywood Way and Phase 5 (Parcel 9) (25/00865/RESM) of "Westcombe Park".	Pending consideration

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No objection but approval of access must include connectivity of footpaths and cycle parts between the development and Heywood Way. Adequate pedestrian access should be provided to ensure safe passage and integration for the community.	Connectivity is shown on the plans and is referred to in this report for pedestrian routes to the existing neighbourhoods to the north and east of the site for pedestrians and cyclists.
Great Totham Parish Council (Neighbouring Parish)	No comment	Noted

7.2 **Statutory Consultees and Other Organisations (*summarised*)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No objection	Noted
Environment Agency	No response	Noted
Essex County Fire and Rescue Service	No response	Noted
Essex County Council Highways	No objections	Noted
Essex County Council SUDS team	No objection to reference 25/05144/DET for the surface water drainage system that is also shown in this application	The approval DET for the surface water drainage system is subject to a separate application, reference 25/05144/DET.
Essex Police	No objections and provide advice on security, lighting, parking provision, EV charging points, landscaping and public realm	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Forestry Commission	Do not object or support but provide general advice and guidance requiring the 15m buffer zone to remain undeveloped	The 15m buffer zone would be maintained as shown on the plans and some of the land in the buffer zone is outside of this land parcel so not subject to any changes
Natural England	No response	Noted
Place Services – Archaeology	No comments to make	Noted
Place Services - Ecology	No objection but make recommendations on planting and management	Ecology conditions are part of the outline application and for consideration with this application.
Place Services – Tree Consultant	Support subject to a condition requiring retention and protecting of existing hedges and shrubs at the site	The condition is not required as there is already condition 18 from the appeal decision that deals with retention and protection measures, plus there is none or very limited vegetation within this land parcel.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted
Housing	No objection	Noted

7.4 Site Notice/Advertisement

- 7.4.1 The application was advertised by way of a site notices posted on the 17.11.2025 and on (with expiry date for comments by 08.12.2025). The site notices were affixed at eye level to street furniture around the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 20.11.2025 (with expiry date for comments by 11.12.2025).

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 No representations received.

8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with the approved plans as listed below.

- P25-1444_DE_04 Site Location Plan
- P25-1444_DE_30-01 Rev D - Site Sections
- P25-0144_DE_014 Rev D - House type Portfolio
- ABBEY24957-09 - Strategic Landscape Masterplan
- E24-019-1017 Rev P4 - Flood Exceedence Plan
- P25-1444_DE_017 B - Parking Plan
- P25-1444_DE_15-01D - Proposed Street Scenes
- P25-1444_DE_013 K - Refuse Strategy Plan
- E24-019-1023 Rev P2 - Type 3 Adoptable Pump Station Compound Layout Detail
- E24-019-1001 Rev P2 - External Construction Details
- E24-019-1002 Rev P2 - External Construction Details
- E24-019-1022 Rev P1 - Cross Sections
- P25-1444_DE_11 K - Land Use Plan
- P25-1444_DE_09 K - Building Heights Plan
- P25-1444_DE_15-01 Streetscenes
- P25-1444_DE_15-02 Streetscenes
- P25-1444_DE_07 J - Material Distribution Plan
- P25-1444_DE_05 M - Planning Layout
- P25-1444_DE_06 M - Presentation Layout
- E24-019-1009 Rev P2 - Drainage Construction Details Sheets 3 of 3
- E24-019-1008 Rev P2 - Drainage Construction Details Sheets 2 of 3
- E24-019-1020 Rev P1 - Road Long Sections - Road 2&3
- E24-019-1019 Rev P2 - Road Long Sections - Road 1
- E24-019-1007 Rev P2 - Drainage Construction Details Sheets 1 of 3
- E24-019-1021 Rev P1 - Road Long Sections - Road 4&5
- P25-1444_DE_10 K - Tenure Plan
- P25-1444_DE_012 K - Garden Size Layout
- P25-1444_DE_016 K - Secure By Design Principles
- E24-019-1016 Rev P4 - SUD Maintenance Plan
- E24-019-1015 Rev P4 - Proposed Site Finishes Plan
- E24-019-1014 Rev P4 - Proposed Adoptable Roads Plan
- E24-019-1013 Rev P4 - Fire Tender Tracking Plan
- E24-019-1012 Rev P4 - Refuse Vehicle Tracking Plan
- E24-019-1011 Rev P4 - Strategic Site Visibility Plan
- E24-019-1010 Rev P7 - Strategy Site Drainage Plan
- E24-019-1000 Rev P6 - Strategy Site Levels Plan
- ABBEY24957-04 - Ancient woodland buffer plan
- P25-1444 Accommodation Schedule - Rev B

REASON: To ensure that the development is carried out in accordance with the details as approved in the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and policy DP3 of the NPPF.

2. No development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development including boundary and hard surfacing treatments have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out using the materials and details as approved.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and policy DP3 of the NPPF.

3. Prior to the occupation of a dwelling, the boundary treatment shall be constructed as approved and shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and policy P2 of the NPPF.

4. Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works as shown on the approved plans and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and policy DP3 of the NPPF.

5. Prior to the occupation of the development, the requirements of the 'Soft Landscape Management and Maintenance Plan' dated September 2025 shall be implemented in accordance with the 'Maintenance Schedule' for this land parcel and shall be maintained throughout the lifetime of the development.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and policy DP3 of the NPPF.

6. Prior to the occupation of a dwelling hereby permitted the vehicle parking spaces associated with that dwelling or building shall be hard surfaced, sealed, and marked out in parking bays and available for use in accordance with the plans and details hereby approved. The vehicle parking areas shall be retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the adopted Maldon District Local Development Plan and policy TRT4 of the NPPF.

7. The dwellings hereby permitted that are not provided with a garage shall not be occupied until the storage for bicycles as shown on the approved plans has been provided for the occupiers of these dwellings.

REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with policies D1 and T2 of the adopted Maldon District Local Development Plan and policy TRT4 of the NPPF.

8. The first floor windows on the side elevations of those properties that have a flank to back wall relationship with the neighbouring sites shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the Local Planning Authority. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON: To protect the privacy and environment of people in neighbouring residential properties, in compliance with policies D1 and H4 of the adopted Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD policy P2 of the NPPF.
9. Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), and no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the adopted Maldon District Local Development Plan and policy DP3 of the NPPF.
10. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the apartment blocks. No individual satellite dishes or antenna shall be provided per flat.
REASON: In order to protect the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and policy DP3 of the NPPF.

This page is intentionally left blank