Unrestricted Document Pack

MALDON
DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk

17 November 2026

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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

PLANNING COMMITTEE on **WEDNESDAY 25 NOVEMBER 2026** at **7.00 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 A Fittock
VICE-CHAIRPERSON	Councillor N D Spenceley
COUNCILLORS	M G Bassenger J R Burrell-Cook A S Fluker K M H Lagan A M Lay R G Pratt U G C Siddall-Norman P L Spenceley W Stamp, CC M E Thompson L L Wiffen

AGENDA
PLANNING COMMITTEE
WEDNESDAY 25 NOVEMBER 2026

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **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).

4. **25/00381/OUTM - Land North of West Street Tollesbury Essex** (Pages 7 - 124)

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

5. **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. 4.
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.

(Updated August 2026)

CIRCULATED PRIOR TO THE MEETING

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
PLANNING COMMITTEE
25 NOVEMBER 2026

UPDATE REPORT

AGENDA ITEM NO. 4 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	04/12/2026
Case Officer	Gareth Ball
Parish	**Tollesbury West**
National Scheme of Delegation:	**Reason for Referral to Committee:** **Schedule 2 application:** **Gateway Test Statutory criteria: Met** **Criterion A:** It involves issues of local economic, social, or environmental significance. **Criterion A: The scheme** raises significant planning matters relative to the development plan or other material considerations.

1. Introduction

1.1. Application ref 25/00381/OUTM was first considered at the 5 August District Planning Committee. A Member made a motion to refuse the application, but this was not seconded and a motion to defer the item was passed, 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 Addendum Report will highlight these matters.

1.2. Following the deferral of this application (5 August 2026), an updated version of the National Planning Policy Framework (the NPPF) was published (17 August 2026). 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. An updated report considered by the District Planning Committee on the 28 October 2026, provided an assessment in regard to the latest version of the NPPF.

1.3. The update report (above) following consideration was subsequently deferred for a second time in order for a legal opinion to be sought in relation to the Site's foul sewage connection and potential impacts on protected habitats, to ensure the

Council had undertaken its statutory duty under the Habitats Regulations, as the competent authority.

Matters Raised at the 28th October Committee

1.4. The following matters were raised by members at the 28 October Planning Committee, or within an email which officers subsequently received from a member requesting legal clarification of several matters.

Anglian Water Capacity

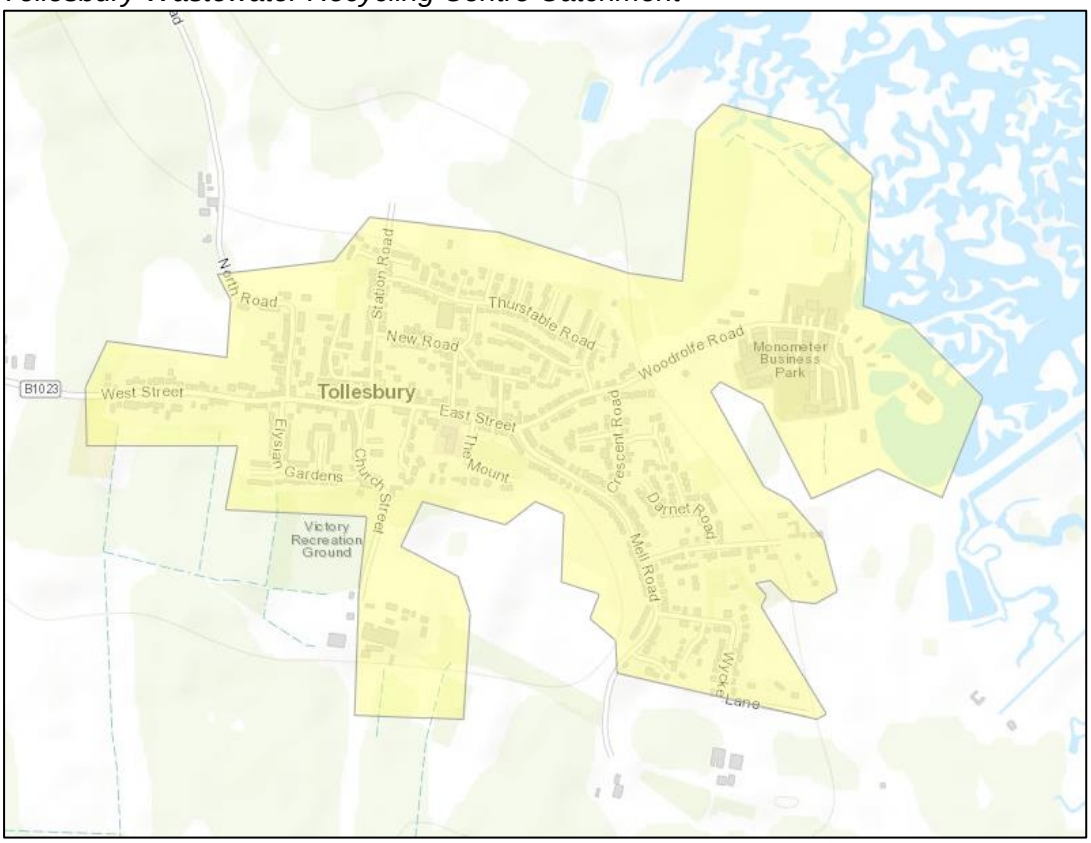
1.5. The Update Report to the 28 October Committee (hereafter referred to as the 'update report') provided the following update in relation to Anglian Water capacity:

During the 5 August committee, 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, 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.

At the request of Anglian Water, the committee report 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.

1.6. The legal opinion notes that Anglian Water's headroom figure for wastewater treatment capacity (which equates to c. 639 dwellings) was stated excluding "sites with existing planning consent yet to connect to our network". The five developments which were considered within the cumulative assessment amount to 558 homes, meaning that Anglian Water are advising there is additional wastewater treatment capacity that can accommodate the foul drainage needs arising from this development. The catchment for the Tollesbury WRC is shown in the figure below.

Tollesbury Wastewater Recycling Centre Catchment



1.7. Officers conclude that Anglian Water's objection is concerned with the local foul network, hence the water provider's request to apply a condition requiring details of a Sustainable Point of Connection (SPoC) from the development to the foul sewer network.

Use of a Grampian Conditions

1.8. The legal opinion sets out that the authority can lawfully rely on a negative Grampian condition to comply with its Habitats Regulation obligation under Regulation 63, so long as it is certain that the imposition of conditions rules out adverse effects on the integrity of European sites. Officers' proposed condition does not defer its statutory duty – the Grampian condition has been identified as part of the Appropriate Assessment and would ensure that the development does not come forward until a Sustainable Point of Connection has been identified, and then implemented prior to occupation. This gives the Local Planning Authority (LPA) appropriate control of the matter.

1.9. The Grampian condition requiring the submission of a Strategic Foul Water Strategy is Condition 27 within the committee report. The legal opinion considers the condition sufficiently tight to secure the required details. The opinion goes on to advise that the Council will also need to consider the Habitat Regulation Assessment (HRA) tests at condition stage, to again consider whether in light of the submitted details there would be no adverse effect on the integrity of the designated nature conservation sites.

1.10. At the 28 October Planning Committee, members raised concerns that the recommended foul sewer strategy condition does not have a realistic prospect of being able to be discharged due to a lack of detailed engineering drawings to demonstrate deliverability. The members' email also queries whether the condition

securing a detailed Surface Water Drainage Scheme (Condition 23) fail deliverability in terms of the Lund High Court decision. It should be noted that detailed engineering drawings are not required with an outline planning application and Anglian Water, as the utility operator, are not requiring them to be provided, instead such information would be required, if necessary, through the submission of a future application to discharge condition 27, which is the usual practice for outline planning permissions.

1.11. There is no evidence that the requirements of the condition have no reasonable prospect of being discharged, in particular noting that the condition was requested by the statutory consultee to which the matter relates.

1.12. It should also be noted that foul drainage condition has been secured through other planning permissions and appeal decisions across the District. To depart from the condition approach and refuse planning permission would go against the consistent decision approach that has been taken elsewhere in the District and would expose the Council to potential risks in the event that the application was refused planning permission and then subject to a planning appeal process. An Inspector would look at the approach taken with those recent applications and other appeal decisions in the District in their decision making and they would be highly likely to use a planning condition to require a foul drainage strategy to be approved.

1.13. The legal opinion notes the question in relation to surface water drainage and advises that approving a surface water strategy at outline stage, with the outfall consents to be secured later, would not be unlawful nor contrary to national policy on sustainable drainage. The requirement in this regard is that there is adequate evidence that the site can, in principle, be drained at an acceptable rate without increasing flood risk elsewhere. This has been addressed by the submission and supported by the Lead Local Flood Authority who require through a planning condition (Condition 23) to secure a surface water drainage strategy.

1.14. The concern raised is therefore addressed by the condition. The matters raised in relation to Land Drainage Consents and downstream riparian common law relate to a separate regulatory regime and, as previously stated, planning decisions should generally assume that such regimes will operate effectively unless there is clear evidence to the contrary.

<u>Foul Sewer Connection and Habitats Regulations Assessment</u>

1.15. Members raised concerns at the 28 October committee that the Council had not undertaken its statutory duty as the competent authority because the HRA did not consider the foul sewer matter.

1.16. The member's email queried whether the Council can legally conclude its Appropriate Assessment, with no evidence of the cumulative in-combination effects of multiple routing sewer connections from the various developments on the constrained local sewer system.

1.17. It should be noted that the application site seeking outline permission for 149 dwellings at the land to the rear of Mell Road has identified a SPoC in discussion with Anglian Water.

1.18. Following the deferral, the LPA have undertaken a new HRA, including an Appropriate Assessment. The HRA re-considers the previously considered standalone and in-combination likely significant effects of the development in addition to the newly raised issue and, Place Services Ecology have advised that there is

suitable mitigation measures to which the Council can conclude that it has complied with its obligation under the Habitats Regulations. The legal opinion sets out the initial position as follows:

"As set out already, it is a scientific question for the competent authority based on the evidence, applying the Wyatt principles and taking into account the possibility of management by (for example) Grampian condition. If there is a risk of adverse effect that the Council cannot rule out, even taking into account there is a Grampian condition, then the development cannot pass an appropriate assessment. If, however, the Council concludes any risk can be ruled out through an appropriate Grampian then the appropriate assessment can be passed.

In circumstances where Essex County Council (ECC) and other bodies consider a Grampian can rule out harm, if the Council is taking a different view it will need to explain very clearly where the potential problem arises, what the pathway is to harm of the protected site, and why that cannot be managed by (for example) condition.

Similarly, if the Council considers that it is missing information again it will need to explain very clearly why it needs that information to make its decision, in light of other management measures. So, for example, it would not be enough to simply say that no SPOC has been identified where a suitably worded Grampian would delay development until one is identified. If the concern is impact on the sewerage system itself, the Council will need to consider (a) whether and why a Grampian is not sufficient to solve this and (b) the Sewerage Undertaker's statutory duties in light of both the legal position (a rebuttable presumption assuming they will operate effectively) and the policy position in DM7 of the new NPPF."

1.19. The Appropriate Assessment acknowledges the potential significant effects which may result from the increased foul flows from the development. The previous section of this update report establishes that the Grampian condition is sound and meets the legal tests to be used as a suitably worded planning condition that would mitigate the harm from the impact of the development. As such, officers conclude that this form of mitigation is appropriate in principle.

1.20. The legal opinion also sets out a position on whether existing failings from Anglian Water in causing pollution can be considered, stating:

"Second, we are asked whether existing failings from Anglian Water in causing pollution can be considered, given that a planning application cannot be expected to address existing issues and noting NPPF Policy DM7.

The legal position is as we set out above: i.e. one can assume other regimes will operate effectively; but it is not necessary to do so if the evidence clearly establishes that they do not (Crest Nicholson at [55]). As a matter of policy DM7(1) indicates that decision-makers should have "clear evidence to the contrary" before deciding another regime is not operating effectively.

So yes the failings can be considered and taken into account in reaching the Council's decision if there is "clear evidence" the other regimes are not operating effectively. That will require more than just the fact there has been pollution, but a more detailed analysis of what the regimes require, what Anglian has been doing, where it has been falling short, for how long, whether there is any prospect of it "upping its game", etc.

That said it is not for the developer to have to fix pre-existing issues. So again that might indicate a Grampian might be the appropriate solution rather than (for example) requiring the developer to go further."

1.21. The LPA is not in receipt or knowledge of any clear evidence that Anglian Water are directly failing in their duty to protect the adjacent designated nature conservation sites in any way which relates to the current application. Officers do not consider this to be a reason for refusal and the recommended foul water strategy Grampian condition can effectively mitigate the proposed development's impacts.

Primary School Education Contribution

1.22. ECC Education have supported the application subject to a financial contribution towards a primary school transport. While the NPPF does not consider the use of private motor vehicles to be sustainable, the school transport method is not a private motor vehicle trip.

1.23. The updated legal opinion goes on to consider the implications of this mitigation on the sustainability of the Site, as was raised by a member in email following the 28 October committee. The opinion sets out that NPPF Policy TR3 test is whether development limits the need to travel "particularly by private car" and whether it offers a "genuine choice of transport modes for residents and users". This is not a requirement that every journey, or all primary school journeys has to be made on foot or by bus. While a safe and connected pedestrian route is the preferred approach, the development would be acceptable in light of the proposed mitigation through the school bus service and appropriate weight should be given to this consideration, as part of the wider application. It, as stated, remains the choice of the individuals to walk to the primary school or use the bus service. Officers maintain that the Site is well-related to Tollesbury and is a sustainable location within the context of the NPPF.

Impact on Colchester Lane

1.24. The member's email following the 28 October committee suggested that vehicles navigating the Protected Lane would erode grass verges, damaging the designation score of the lane and potentially result in it losing its Protected Lane status, stating that officers cannot then lawfully conclude that the harm is limited. The lane is not a designated heritage asset; however, officers considered it as a non-designated heritage asset within their recommendation to members given that it does have local heritage value.

1.25. The legal opinion reminds that the designation of a level of heritage harm is a matter of planning judgement, not a legal test, and it would not be legally wrong to approve a scheme notwithstanding resulting harm to a non-designated heritage asset.

1.26. As per the Council's Conservation and Heritage Officer's advice, officers concluded that the level of harm would be limited within the scope of the NPPF tests under Policy HE7. This was accordingly included within the planning balance of the application's assessment. Officers maintain the level of heritage harm previously identified.

2. Conclusion

2.1. Taking the above updated matters 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

2.2. The legal opinion responds to a query in the member's email regarding the defensibility of a refusal on grounds of NPPF Policies N6(1)(a) (protected habitats sites), TR3 (sustainability and access) and HE7 (conservation and heritage), concluding that when considering the new information and questions, the previous opinion's assertion that a low likelihood of depending an appeal is likely unless the Council is able to identify an issue with the Appropriate Assessment that cannot be dealt with or managed by condition or other matter. This report and the completed HRA provide the basis on which the Appropriate Assessment concludes that there would not be any significant effects on any designated habitat conservation sites, with reviews also required at reserved matters stage and in discharge of the proposed foul water strategy condition.

2.3. The assessment of this planning balance is set out below, taking into account all material considerations.

2.4. Taking the above assessment and previous committee reports 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

2.5. 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".

2.6. Taking account of the revised HRA Appropriate Assessment and the legal advice the assessment of this planning balance is provided below, taking into account all material considerations.

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 Five-Year Housing Land Supply (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.

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 Biodiversity Net Gain 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.

Harms

- 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 this to 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.

2.7. 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.

2.8. Taking into account all of this new material and following the receipt of further legal counsel, officers are satisfied that the application should be supported as per the planning balance set out in the previous committee report.

3. 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 and heads of terms for the s106 legal agreement as detailed in Section 6 of the Update Report to the 28 October District Planning Committee Meeting **APPENDED** and the updated Heads of Terms as set out in section 6 of that 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.

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 makes 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

<u>Chapter 3 Decision-making policies</u>

- 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 Costal 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. Polich 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 <u>Social Benefits</u>

- 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 <u>Economic Benefits</u>

- 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, scafolding, 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 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 t 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 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 adhered 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

Date

MALDON
DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk

disability confident EMPLOYER

ADDENDUM

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

DISTRICT PLANNING COMMITTEE - **WEDNESDAY 28 OCTOBER 2026**

Please find enclosed an Addendum for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

5. **25/00381/OUTM - Land North of West Street, Tollesbury, Essex**(Pages 3 - 8)

Yours faithfully



Chief Executive

This page is intentionally left blank

CIRCULATED PRIOR TO THE MEETING

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
28 OCTOBER 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	5 November 2026
Case Officer	Gareth Ball
Parish	**Tollesbury West**
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary. • Development of over 75 dwellings

4. UPDATED PLANNING BALANCE AND CONCLUSION

Add the following after Paragraph 4.10 of the Update Report:

4.11 In the above assessment, Officers concluded that the proposed residential development adjacent to Tollesbury would be physically well-related to the existing development. Following the deferral of this application at the 5th August District Planning Committee, officers sought legal advice on the reasons for deferral as to whether they would be robust reasons for refusal based on the concerns that members raised during the 5th August committee. These reasons included:

- Primary school pedestrian access
- Sustainability and infrastructure
- Transport and traffic impacts
- Anglian Water capacity
- The cumulative impact on the character of Tollesbury
- Fire servicing

4.12 The legal opinion advice concluded as follows:

"Fundamentally, individually as things currently stand I do not think any of the RFRs has more than a low prospect of success and most are very low or negligible. If the Inspector considers the development falls within S5(1), then I think it highly unlikely

s/he would consider the adverse impacts to "substantially outweigh" the benefits and so, even cumulatively, I think the Council has low prospects of successfully defending this at appeal".

4.13 Based on the above advice the application recommendation is for approval as set out in section 6 of the Update Report.

5. CONSULTATIONS AND REPRESENTATIONS RECEIVED

5.1 Representations received from Parish Council

5.1.1 Tollesbury Parish Council submitted additional comments on the planning application, setting out a list of planning contributions which they consider should be secured if permission is granted.

5.1.2 A list of planning obligations which officers recommend be secured is provided in Section 6 of this committee update report. All planning obligations must comply with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, which requires that any planning obligations imposed on a planning application must be:

(a)necessary to make the development acceptable in planning terms;
(b)directly related to the development; and
(c)fairly and reasonably related in scale and kind to the development.

5.1.3 The requests from Tollesbury Parish Council are listed below, with a response from Officers in relation to the CIL tests above:

TPC S106 Contribution Request	TPC Supporting reason:	Response
Village 'gateway' and associated lighting to make this compliant with Highways regulations	• Marks a clear entry into the village and change in speed limits. • Highlights the 30mph speed limit signage. • Reduce speeding on entry into the village along West Street. • Quote from Maldon District Councillor Mark Durham estimated the cost of the gateway and associated lighting as approximately £12,000.	• The Highways Authority have requested the relevant contributions in order to mitigate potential impacts on highway safety, which have been included within the draft conditions and draft Heads of Terms of the committee report. This contribution is not deemed necessary to make the development acceptable in planning terms. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
New play equipment, outdoor gym equipment and multi-	• Several items of play equipment are nearing the end of their lifespan and	• The development proposes outdoor amenity space and facilities to mitigate its own

use games court for the existing Recreation Ground	need replacing. These are expensive items to replace, which would otherwise require fundraising. • There is no other outdoor gym equipment in the village – approximately £140,000. • There is not an all-weather court in the village and this would be too expensive for the precept to cover – approximately £165,000.	impact. The contribution is not required to make the application acceptable in planning terms, nor is it directly related to the development. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvement to the toilet facility at Woodup Amenity Pool	• Purchase and installation of a new waterless toilet facility to improve the experience for residents and also visitors from around the district and further afield. • Current portaloo is not appealing, with high visual impact. With flood risk and no drainage available, our options for facilities at this location in the village are very limited - approximately £20,000.	• The contribution is not required to make the application acceptable in planning terms. • A planning obligation cannot be imposed in order to secure benefits for visitors – this is not directly related to the development. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvements to the community space known as The Pavillion at Tollesbury Recreation Ground	• The size of the current changing rooms limits the capacity for sports teams that can use the community space at a weekend. These need extending. – approximate cost £224,000. • WIFI needs bringing into the building and long-term funding to support councillors in their work during meetings.	• The requested contributions to changing rooms and lack of WiFi are not directly related to the development, nor are they necessary to make the development acceptable in planning terms. • The contribution appears to be an estimate. No evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution is fairly and reasonably related in scale and kind to the development.
Improvements to the Cemetery: new fencing and an information board	• The Cemetery is the first public space that visitors arrive at on entry to the village, but there is currently no information about Tollesbury made	• An information board and broken fence are not directly related to the development, nor are they necessary to make the development

	available to them. A recent quote for this came in at £1,800. • The fencing along the perimeter on the roadside is broken and needs replacing. A recent quote for this came in at £1,650.	acceptable in planning terms. • Quotes for the costed schemes have not been provided to justify the requested contributions.
Addition of a noticeboard at the Station Road Allotments	• Residents have requested a noticeboard to signpost the rules and regulations and other key information to assist in the smooth and harmonious running of the allotments.	• An information board and broken fence are not directly related to the development, nor are they necessary to make the development acceptable in planning terms. • evidence of a fully costed scheme has been provided to demonstrate that the scale of the contribution or implementation is fairly and reasonably related in scale and kind to the development.

5.1.4 The requested contributions have not been requested by any of the relevant statutory or other consultees, are not based in any calculations of costed schemes to be brought forward, do not directly relate to the impacts of the development and appear to be requested largely to address existing issues as identified in the table above along with the Officer's explanations of why these requests do not meet the CIL Regulation 122 requirements.

5.2 Representations received from Interested Parties

5.2.1 One additional public representation received since the agenda was published. The representation objects to the development and the following are the additional points raised which are summarised below:

Objection Comment	Officer Response
There is no confirmation that the school transport contribution will be made prior to the first occupancy. It cannot be assumed that the lack of a safe route and members' concerns have been addressed by the payment of a financial contribution.	The school transport contribution secures safe access and the payment would likely be secured as 50 per cent payable prior to commencement of development and the remainder prior to occupation within the S106 agreement.
The development does not accord with Active Travel England (ATE) standing advice. The North Road access is unsafe for pedestrian, wheelchair and mobility scooter access.	The development proposes multiple routes which are considered satisfactory to nearby services. ATE standing advice is noted but provides only guidelines. Officers have also considered recent appeal decisions and nearby planning decisions. As noted by the Highways Authority, limited benefits are identified in relation to the North Road access and an acceptable route is also provided on West Street; however, there are no objections on

	highways safety as evidenced in the submitted Road Safety Audit, which is supported by the Highways Authority.
The Transport Technical Note Section 4.3.3, digital page 4, does not include a more recent accident, 6th October 2026, when a bus reversed into a parked car in Church Street, opposite the bus stop.	Noted and this is only a minor collision. The applicant has already updated their information as part of the addendum, with the latest Essex County Council (ECC) for the period from 1 November 2024 to 30 June 2026 included and the Highways Authority do not object to the application.
The Transport Technical Note does not consider potential impact on the Protected Lane Colchester Road from recently approved and pending applications.	This was addressed within the cumulative assessment on transport impact submitted by the applicant and following assessment this has raised no objections from the Highways Authority.
The submitted updated Covering Letter does not confirm that all 159 properties will be built within a 5-year window.	This is not a requirement, nor assumed. The development is however still expected to make a contribution within the 5-year Housing Land Supply period if approved.
The information regarding traffic impact on Colchester Road is not evidenced. Traffic volumes on the Protected Lane should be accurately assessed via an ATC system rather than be based on a consideration.	Notwithstanding the applicant's calculations, the Highways Authority advise that there would not be any significant uplift in trips on Colchester Road To warrant the proposal unacceptable in highway terms.
The Density plan (extract from DAS page 61), Page 2, Site boundary, is different to the Illustrative Master Plan Site Boundary, it is not clear which of the two plan boundaries is correct.	Plans within the Design and Access Statement are indicative. The individual submitted plans which are proposed to be approved plans should be referenced and are listed in condition 4.
Proposed highway works in the village centre to widen footways, combined with on-street parking is likely to create additional pinch points, reducing the carriage way to a single vehicle width.	The highways works are no longer proposed.
Whilst further technical highway details may be supplied in the supporting highway note, the highway note cannot be viewed as the uploaded file is corrupt.	The note is fully accessible on the public access.
The updated Ecology Note does not include an assessment on many protected sites.	The Ecology Note is not intended for this purpose. Other designated ecology sites were assessed within previously submitted information.
The loss of hedgerows on Colchester Road would result in impacts on ecology, flood risk, pollution and soil health. The desk-based survey states that there would be negligible impact but is insufficient to assess this.	The Ecology Note is not intended for this purpose. Other designated ecology sites were assessed within previously submitted information.
The Highways Authority comments, dated 14 October 2026, are not able to be viewed online.	The Highways Authority were uploaded on 20 October and viewable on the public access service.

Index-linked contributions are linked to different periods, but they should be linked to the same time.	This has no impact on the value of contributions. Different consultees use different processes and it would be unreasonable to require all consultees to synchronise their contribution reviews to the same point.

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

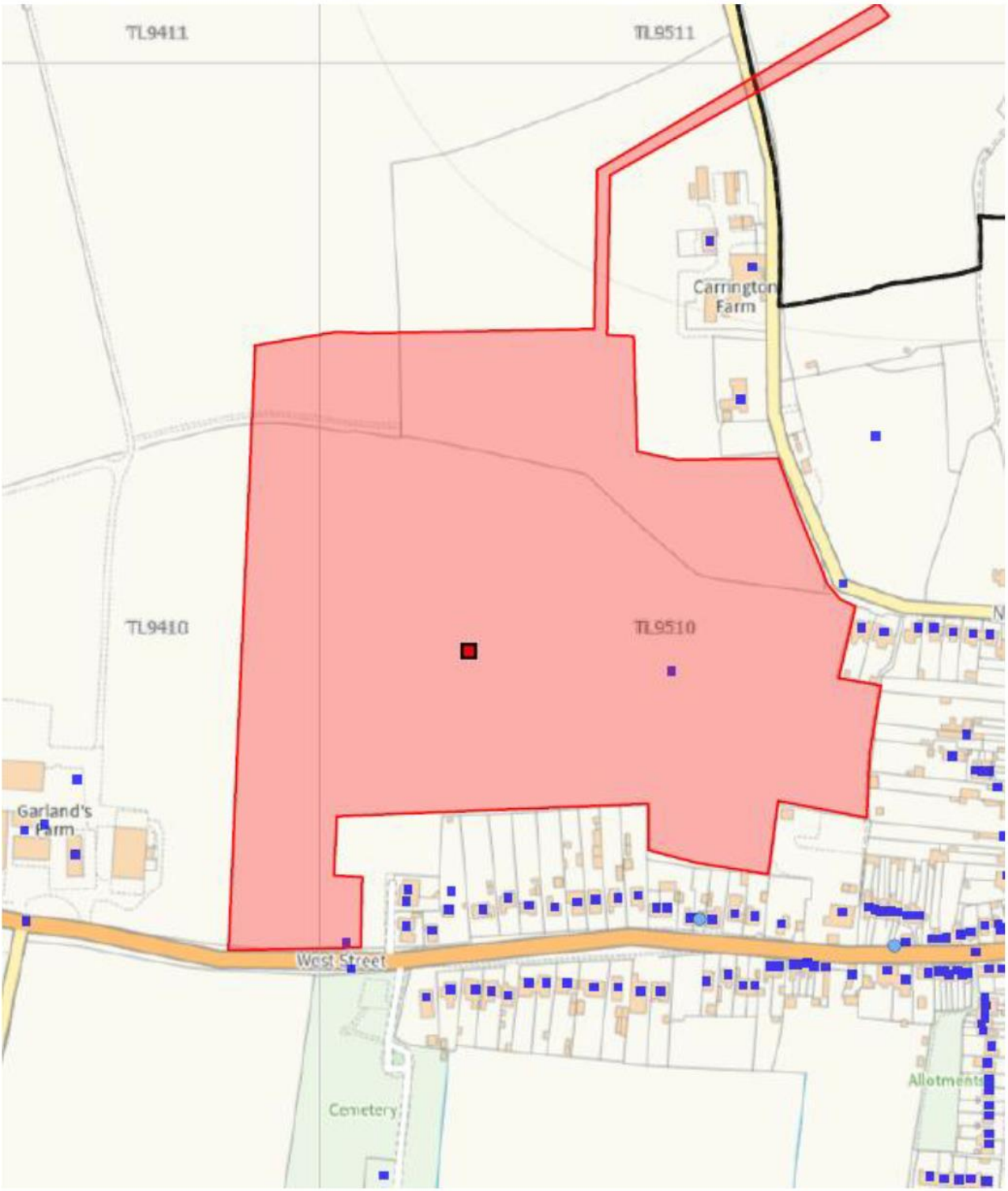
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions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

<u>Access</u>

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 ZoI of the Blackwater Estuary RAMSAR, SPA and SAC. The Blackwater Estuary is also subject to designations as a SSSI Risk Zone and Marine Conservation Zone (MCZ).

5.12.15 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 ZoI for the Essex Coast RAMS with respect to the below sites? **Yes**

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

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

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 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. However, the scale of the	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	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 accommodate further vehicles.	

Name of Parish / Town Council	Comment	Officer Response
	• 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
Principle of development • 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 t 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 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 adhered 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.

This page is intentionally left blank

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 secur 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 affordance 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 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.

This page is intentionally left blank