



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

to
**DISTRICT PLANNING COMMITTEE
2 SEPTEMBER 2026**

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

1. RECOMMENDATION

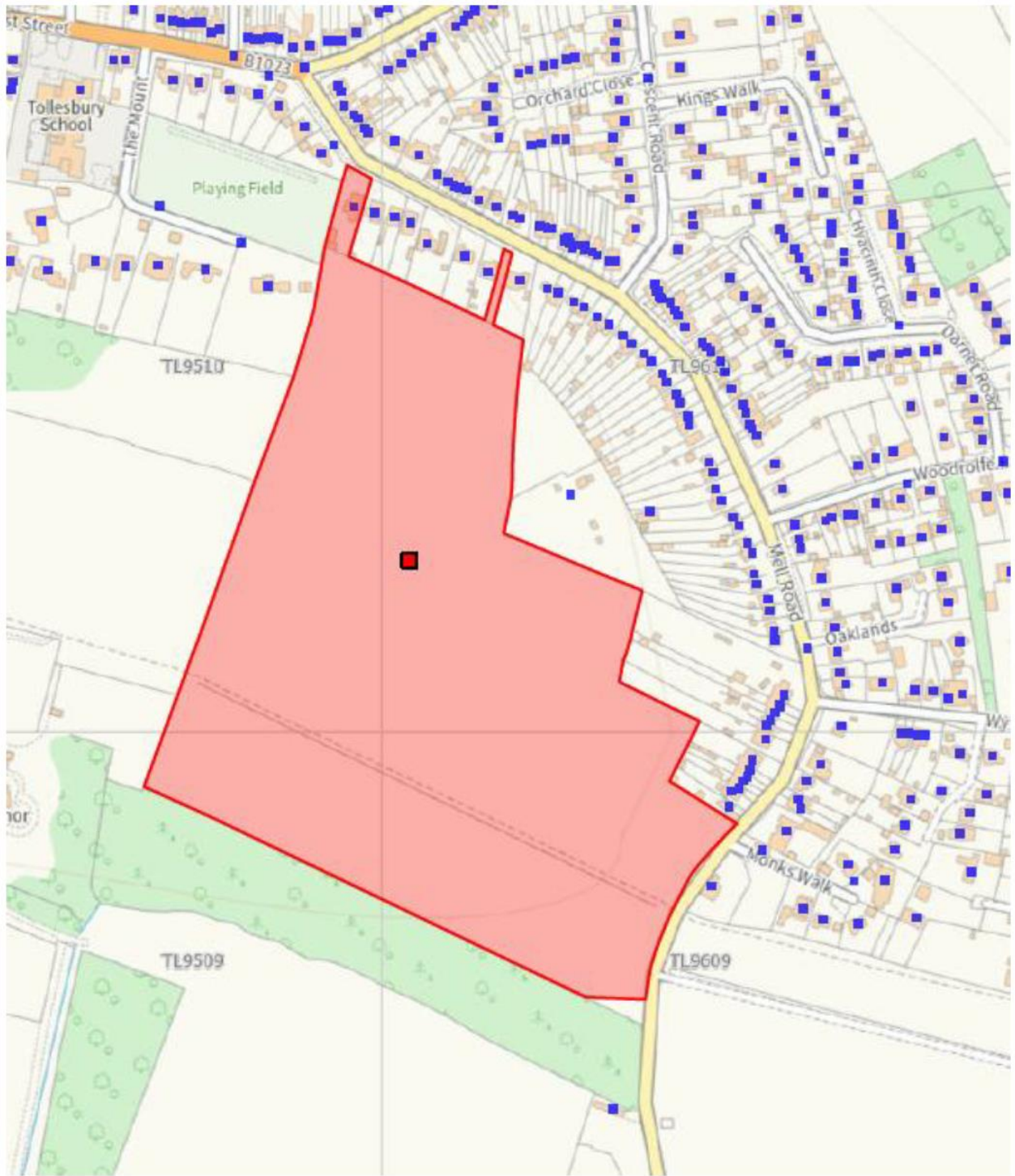
The application is subject to an appeal against non-determination of the application and therefore the Council's District Planning Committee needs to make a 'minded to' decision on the application.

The recommendation is to:

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Status of the Application

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

The site and surroundings

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

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

3.1.10 The nearest edge of the Tollesbury Conservation Area is located c.70m northwest of the Site, on East Street. Other nearby heritage assets include:

- Grade II listed Monk's House and Grade II listed The Wobbin, both to the southeast of the Site on Mell Road.
- Grade II listed Bohuns Hall, Barn and Byre (individually Grade II listed), located southwest of the Site.

3.1.11 Public Right of Way (PRoW) Footpath Tollesbury 10 runs east-west through the lower portion of the Site, connecting the Victory Recreation Ground with Wycke Lane.

3.1.12 There is a Tree Preservation Order (TPO) 07/20 T1 for a mature oak tree in the northeast of the Site. A Group TPO 07/20 G1 of 8 No. Poplar Trees are located partially to the northwest of the Site, near the proposed vehicle access to Mell Road to allow for visibility splays and safe access for larger vehicles. TPO 08/19 T1 is a Pine Oak located at No. 4 Mell Road, adjacent to the proposed vehicle access.

3.1.13 The Site is located in Flood Zone 1, which has the lowest flood risk of the zones. There are areas of present day and future surface water flood risk on the Site. The Site falls within the Zone of Influence of the Blackwater Estuary RAMSAR, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. The Site is located within a sand and gravel Mineral Safeguarding Area (MSA).

The Proposal

3.1.14 The submitted planning application seeks:

"Outline planning application for a residential development of up to 149 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage systems and vehicle access point from Mell Road (following the demolition of no. 6 Mell Road). All matters reserved except for means of access."

3.1.15 The application is made in outline with 'means of access' included for determination. The following are matters reserved and therefore not for consideration within the current submission:

- Appearance
- Landscaping
- Layout
- Scale

3.1.16 The proposed dwellings would have a 40 per cent affordable housing inclusion. The submitted Development Framework Plan shows a main route through the Site forming a spine from the northwest down to the southeast, with secondary roads branching off to provide access to areas of housing located in the northern and central areas of the Site. The development proposes a density of 37 dwellings per hectare (dph) if all 149 dwellings were to be constructed.

3.1.17 Vehicular access is proposed from a single point from Mell Road at the location of No. 6 Mell Road, which is an existing house that would be demolished. A secondary location providing only pedestrian and cyclist access would be created between Nos.

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

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

3.2 Conclusion

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

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

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

4. MAIN RELEVANT POLICIES

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

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

- Paragraph 17 Achieving sustainable development

Chapter 3 Decision-making policies

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

Chapter 4 Achieving sustainable development

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

Chapter 5 Meeting the challenge of climate change

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

Chapter 6 Delivering a sufficient supply of homes

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

Chapter 11 Facilitating the sustainable use of minerals

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

Chapter 12 Making effective use of land

- L3 Achieving appropriate densities

Chapter 14 Achieving well-designed places

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

Chapter 15 Promoting sustainable transport

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

Chapter 16 Promoting healthy communities

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

Chapter 17 Pollution, public protection and security

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

Chapter 18 Managing flood risk and coastal change

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

Chapter 19 Conservation and enhancing the natural environment

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

Chapter 20 Conserving and enhancing the historic environment

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

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity

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

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

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

4.6 **Relevant Planning Guidance / Documents:**

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

5. **MAIN CONSIDERATIONS**

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

5.2 **Principle of Development**

Proposed Land Use

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

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

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

Five-year Housing Land Supply (5YHLS)

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

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

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

Presumption in Favour of Sustainable Development

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

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

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

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

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

Infrastructure and Sustainable Transport

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

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

Loss of Agricultural Land

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

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

Other Major Application Sites in Tollesbury

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

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

Call For Sites

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

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

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

Principle of Development Summary

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

5.3 Affordable Housing

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

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

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

5.4 Unit Size Mix

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

5.5 Quality of Proposed Accommodation

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

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

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

Summary of Proposed Accommodation Quality

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

5.6 Landscape and Visual Impact

Policy Position

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

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

Landscape and Visual Impact Assessment (LVA)

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

Landscape Impact

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

Visual Impact

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

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

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

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

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

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

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

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

Conclusion

- 5.6.17 The proposal would result in:

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

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

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

5.7 Layout and Design

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

5.8 Open Space, Landscaping and Children's Play Space

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

5.9 Impact on Heritage Assets and Archaeology

Policy Position

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

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

Identified Heritage Assets

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

Conservation Areas

- Tollesbury Conservation Area

Designated Heritage Assets

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

Non-designated Heritage Assets

- Colchester Road (Protected Lane)

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

Assessment – Tollesbury Conservation Area

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

Assessment – Monks' House (Grade II)

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

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

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

Assessment – Bohuns Hall (Grade II)

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

Assessment – Glebe House (Grade II)

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

Assessment – The Wobbin (Grade II)

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

Assessment – Colchester Road

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

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

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

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

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

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

Heritage Harm Summary

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

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

Table 2 - Relevant Heritage Assets

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

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

Archaeology

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

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

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

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

5.10 Impact on Amenity

Impacts for Consideration

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

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

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

Agent of Change

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

Impact on Amenity Summary

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

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

5.11 Transport, Access and Highway Safety

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

Conditions

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

Planning Obligations

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

Highway Capacity and Impacts on the Highway Network

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

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

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

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

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

Access

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

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

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

Parking

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

Transport, Access and Highway Safety Summary

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

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

5.12 Ecology and Biodiversity

Protected and Priority Species

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

Biodiversity Net Gain (BNG)

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

Trees and Hedges

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

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

Protected Lanes

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

European and Other Designated Sites

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

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

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

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

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

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

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

Summary of Appropriate Assessment

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

5.13 Drainage and Flood Risk

Flood Risk and Surface Water Drainage

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

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

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

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

Foul Drainage and Water Supply

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

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

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

Drainage and Flood Risk

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

5.14 Other Planning Considerations

Minerals and Waste

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

Education Infrastructure

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

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

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

Public Safety and Human Health

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

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

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

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

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

Air Quality

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

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

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

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

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

Land Contamination

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

Energy and Sustainability

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

5.15 Planning Obligations

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

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

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

5.16 Planning Balance and Conclusion

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

Heritage Harm Balance

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

Presumption in Favour of Sustainable Development

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

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

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

Benefits of the Proposal

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

Social Benefits

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

Economic Benefits

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

Environmental Benefits

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

Adverse Impacts of the Proposal

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

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

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

Planning Balance Conclusion

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

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

6. ANY RELEVANT SITE HISTORY

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

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

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

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

7.2 Statutory Consultees and Other Organisations (summarised)

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

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

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

7.3 Internal Consultees (summarised)

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

7.4 Site Notice / Advertisement

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

7.5 Representations received from Interested Parties (*summarised*)

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

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

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

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

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

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

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

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

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

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

PROPOSED CONDITIONS

1 Outstanding Reserved Matters

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

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

2 Reserved Matters Time Limit

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

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

3 Outline Permission Commencement Time Limit

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

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

4 Approved Plans and Parameter Plans

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

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

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

5 Housing Unit Size Mix

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

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

6 Soft and Hard Landscaping Scheme

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

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

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

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

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

7 Tree Retention and Protection

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

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

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

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

8 Site Levels

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

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

9 Construction Management Plan

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

- safe access to the site
- vehicle routing

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

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

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

10 Construction Working Hours

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

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

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

11 Site Access

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

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

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

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

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

12 Bus Stop Improvements

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

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

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

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

13 Public Footpath Works

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

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

14 Pedestrian Facilities Improvements

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

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

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

15 Travel Plan

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

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

16 Residential Travel Packs

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

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

17 Car Parking

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

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

18 Cycle Parking

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

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

19 External Materials

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

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

20 Boundary Treatment

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

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

21 Surface Water Drainage Scheme

No development except demolition shall take place until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme should include:

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

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

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

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

22 **Offsite Flooding**

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

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

23 Surface Water Drainage Maintenance Scheme

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

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

24 Surface Water Drainage Maintenance Logs

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

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

25 Archaeology Phased Programme of Archaeological Investigation

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

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

26 Phase 2 Contaminated Land Investigation

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

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

27 Remediation Strategy

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

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

28 Verification Report

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

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

29 Site Waste Management Plan (SWMP)

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

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

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

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

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

30 Foul Water Strategy

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

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

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

31 Public Open Space Provision

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

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

32 Public Open Space Management

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

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

33 Children's Play Equipment

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

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

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

34 Sustainability and Renewable Energy

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

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

35 Waste Management Plan

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

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

36 Mitigation Measures

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

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

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

37 Construction Environmental Management Plan for Biodiversity

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

The CEMP (Biodiversity) shall include the following:

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

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an Ecological Clerk of Works (ECOW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

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

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

38 Badger Protection

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

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

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

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

39 Biodiversity Enhancement Strategy

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

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

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

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

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

40 Habitat Management and Monitoring Plan (HMMP)

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

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

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

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

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

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

41 Wildlife Sensitive Lighting Scheme

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

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

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

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

INFORMATIVES

1. Biodiversity Net Gain

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

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

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

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

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

2. ECC Highways

The Highways Authority (ECC Highways) advises that:

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

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

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

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

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

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

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

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

3. Lead Local Flood Authority

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

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

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

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

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

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

4. Essex Fire and Rescue

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

5. Essex Police

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

6. Environmental Health

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

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