



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

to
**DISTRICT PLANNING COMMITTEE
2 SEPTEMBER 2026**

ADDENDUM

AGENDA ITEM NO. 7 Land Rear Of 6 To 108 Mell Road Tollesbury

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.

5.1 Principle of Development

Infrastructure and Sustainable Transport (Page 66)

Add paragraph after 5.2.19 as follows:

- 5.1.19A A representation has been received stating that NPPF Policy TR6 requires Travel Plans to have fallback options if the initial measures don't deliver the expected outcome. The application is supported by a Travel Plan which states in Paragraph 8.3.2 that *"the TP will need to be reviewed at regular intervals after monitoring is complete. The review should remove any unsuccessful incentives and replace them with measures that will help to achieve the TP targets. If the TP is shown to be underachieving, a remedial strategy will need to be outlined which should consider measures to address any failing aspects of the TP. Any changes to the TP will need to be made in agreement with ECC"*. There will be alternative measures, under review and agreement with ECC Highways. The application complies with the relevant parts of NPPF Policy TR6(2).

5.12 Ecology and Biodiversity (Page 83)

Protected and Priority Species

Replace Paragraph 5.12.1 as follows:

5.12.1 The application is supported by an Ecological Appraisal, produced by FPCR. An updated Ecological Appraisal (dated August 2026) was received and updated comments sought from Place Services Ecology. They provided comments following the publishing of the committee report, stating that there is insufficient ecological information in relation to badgers to allow the application to be supported. Place Services have stated that the updated information still lacks a zoned mitigation plan or mapping of buffer distances. Place Services note that badger activity identified by residents has not been suitably addressed; however, (it should be noted that details of sett locations cannot be put in the public domain) states that the additional setts raised by residents appear to be outside the site and significantly distanced from construction. Notwithstanding this, Place Services Ecology require detailed mapped evidence and mitigation. Noting the agreement of the approach in principle and the location of additional setts, Officers consider it reasonable to secure these details by planning condition, prior to the commencement of any development to ensure that badgers are not endangered and mitigation is secured. It should be noted that outside of Planning legislation a licence is required from Natural England for interfering with badger setts.

5.12.1A The development involves the loss of arable land suitable for Skylark and Turtle Dove, both Priority farmland bird species. The updated Ecological Appraisal, which has been reviewed by Place Services Ecology, now includes a full 2026 breeding bird survey, which provides current data on breeding activity across the site, which is supported by Place Services with no issues. The Dormouse survey from 2016 has not been updated; however, Place Services Ecology advise that the habitat structure and connectivity have not changed in a way that would increase likelihood of Dormouse being present. The updated EA reiterates the justification and confirms that precautionary measures will be implemented during vegetation clearance.

Trees and Hedges

Add the following after Paragraph 5.12.6 as follows:

5.12.6A A representation has been received stating that the stem diameter of tree group G7 (a group subject to a Tree Preservation Order) is not 500mm as identified in the submitted Arboricultural Assessment but is a larger split trunk and therefore requires a Root Protection Area (RPA) of up to 11.5m radius, rather than the 6m radius the applicant identifies. This would extend the RPA to where the onsite access routes are likely to be. The submitted Arboricultural Assessment states that this area near G7 has been subject to agricultural activity including ploughing up to the edge, which may have restricted the development of shallow routes. The Assessment notes that further survey work is required to calculate foundation depths. While there would potentially be an increase in RPA incursion, Place Services did not have an in-principal issue with there being some incursion into the RPA. The development would only be the access path, which does not need substantial foundations or deep digging, and measures such as hand tool use can be imposed to protect roots where necessary. Officers are satisfied that this can be mitigated by the conditions.

5.14 Other Planning Considerations

Education Infrastructure (Page 87)

Amend typo in Paragraph 5.14.4:

- 5.14.4 To address this ECC Education's request for a ~~secondary~~ primary school transport contribution to allow access via bus to schools where there is a lack of safe footpath access.

Public Safety and Human Health (Page 88)

Insert the following paragraph after Paragraph 5.14.6:

- 5.14.6A Representations have been received stating that while Essex County Fire and Rescue Service have submitted their standard consultee comments, the submitted Transport Assessment considerably underestimates the number of vehicles using the road network up Back Lane, including Colchester Road. The objections state that Colchester Road is restricted, with limited passing opportunities and conclude that there would be a 74 per cent increase in traffic on this route, which would result in gridlocked roads which prevent access for emergency vehicles.
- 5.14.6B Officers sent the objection to Essex County Fire and Rescue Service, who have responded with further comments stating *"as you are aware the fire service is consulted on any application for Planning. We consider widths of roads turning circles/points for Fire Appliances and access to properties. We do not consider traffic numbers or irresponsible parking as this is something we could not account for or pre-determine"*. Each planning application must be considered on its merits and against relevant material considerations. Irresponsible parking cannot be assumed. In relation to traffic numbers, the applicant has submitted a assessment which has been and reviewed by the Highways Authority, who have no objections to the proposal.
- 5.14.6C Representations have been received stating that the proximity of the vehicle entrance to the adjacent school playing field creates potential for an accident if the fence could not withstand a car impact, also stating that Root Protection Areas of nearby trees would require the road to be angled towards the school for at least some stretch. One representation requests a condition to secure a safety barrier, to be determined at reserved matters stage. Officers note that Condition 20 is recommended in the committee report, to secure details of boundary treatment but the Highways Authority do not require a safety barrier to provided.

Pre Commencement Conditions

Insert the following after Paragraph 5.14.18:

- 5.14.19 Several pre-commencement conditions are proposed by officers. The details being secured by the proposed pre-commencement conditions are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission if agreement were not obtained. Given the irregular nature of the application being at live appeal, a finalised set of conditions can be agreed during the appeal timeline.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils (Page 94)

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Objection. TPC state that the harms would substantially outweigh the benefits of the development. The following comments are newly raised from the initial TPC objection:	
	Substantial weight should be given to the loss of the agricultural land.	Officers advise that limited adverse weight should be attributed to this harm, as stated in Paragraphs 5.2.22 to 5.2.27 of the committee report.
	Consultee responses address each individual application in Tollesbury and do not take into account the cumulative impact.	Further consultee responses in relation to the cumulative impact were sought and the comments are referenced within the committee report where relevant.
	The pre-submission draft Tollesbury Neighbourhood Plan should be considered, particularly in relation to the scale and location of developments in relation to the village centre and the Conservation Area, and the aspirations of the community.	Officers (including input from the Council's planning policy team) advise that the NP cannot be given any weight in considerations. This is because the NP is at an early stage and has not formally been submitted to the Council under Regulation 15.
	The cumulative impact of multiple applications in Tollesbury coming forward has an unacceptable impact on infrastructure and undermines sustainable development.	This matter has been previously raised and is addressed within the committee report.
	The resulting increase in traffic would also cause harm to the character and appearance of the conservation area.	This matter has been previously raised and is addressed within the committee report.
	The scale of development is incongruous and alters the identity and relationship between the village and surrounding countryside.	This matter has been previously raised and is addressed within the committee report.
	The evidence currently before the Council does not demonstrate that the necessary infrastructure improvements can be delivered in a timely manner to mitigate the impacts arising from a development of this scale.	The applicant is not required to demonstrate when infrastructure improvements secured by financial obligation can be carried out, as it is not within the scope of their control.
	Pedestrian and cycling route improvements in the village could not be accomplished –	Improvements are not proposed.

	there is insufficient space to widen pavements and improvements would impact on heritage assets.	
Tolleshunt D'Arcy Parish Council	Objection , due to the following reasons:	
	The proposal, considered cumulatively with the recent approval 25/01057/OUTM, would result in a significant and unsustainable impact on the local highway network.	These matters have been previously raised. Responses to these matters have been provided within the original committee report.
	The development does not contribute to sustainable development and ensure adequate infrastructure.	
	Tolleshunt D'Arcy already experiences longstanding traffic and speeding issues. The additional vehicles will exacerbate this, particularly on Chapel Road and Back Road.	
	The cumulative effect of this proposal and recent approvals would be detrimental to parking, highway safety and the efficient operation of the local road network. This is exacerbated by a lack of local employment opportunities putting more vehicles on the roads during peak hours.	
	The NPPF promotes patterns of sustainable development that reduce the need to travel and maximise the use of sustainable transport options.	
	The development would place additional pressure on local services and infrastructure which do not have capacity to take it, and therefore is not supported by the NPPF.	
	The Church of England primary school in Tolleshunt D'Arcy will not meet the needs of all families.	
	the cumulative impacts arising from this proposal, together with the recently approved Prentice Hall Farm development, would significantly outweigh the benefits of additional housing provision.	

Amend consultee comments as follows:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology (Place Services)	Holding Objection due to inadequate information relating to badger impact.	A response to these comments is provided within this report.
Essex County Fire and Rescue Service	No Objection maintained	Noted.

7.5 Representations received from Interested Parties (Page 99)

Add the following after Paragraph 7.5.1 and in addition to the subsequent table:

7.5.2 Following the committee report being completed, further representations have been received to a total of 680 public representations objecting to the application at the time of this addendum report being published. The reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Impacts on badgers have not been properly addressed. The application should not be determined until the issues relating to badgers have been resolved.	
The independent landscape review only contains one photograph, which does not provide an independent assessment of the area.	The review is not required to present a new set of images. The submitted LVA contains verified views, which are used in the review in addition to other forms of assessment.
The Highways consultation response dated 12 August 2026 is a reupload of a previous comment.	Noted and this has been rectified within this Addendum Report.
There would be a severe impact on the local highway due to the proposal resulting in children in Tollesbury needing to walk to school in Tolleshunt D'Arcy, where there is no safe route.	Children are not anticipated to walk this route. A financial contribution towards school transport contributions has been sought where appropriate.
The proposed vehicle access will create an unsafe environment for children in the adjacent field.	Officers have amended Condition 20 (boundary treatment) to include details of boundary treatment safety.
The Appraisal does not include any references to buzzards, skylarks, water voles, muntjacs or roe deer which are present in the locale.	The updated surveys in the updated Ecological Survey addressed skylarks, buzzards and water voles. Others were not identified nearby. The application has been found not to have an unacceptable impact on any of these species.
The live bus stop information sign should be sympathetic to nearby heritage assets.	Condition 12 secures details of the bus stop improvements. Officers recommend amending the condition wording to demonstrate that it is also in relation to protecting heritage assets.

	That information can then be duly assessed if submitted.
Due to the length of time which has elapsed since individual assessments were undertaken, and the absence of supporting Figures and Appendices information, the assessments should be repeated and the Appraisal republished.	Place Services Ecology are satisfied that surveys are up-to-date where required, with the exception of badger details. This is discussed in this addendum report.
The submitted Transport Assessment does not consider traffic data resulting from the proposed North Road planning application 26/00161/OUTM.	The application 26/00161/OUTM has a relatively small number of vehicle trips associated with it. Further, that application does not yet have a decision or committee resolution and should be given very limited weight even if considered.
Traffic Flow Diagrams, do not consider traffic movements via North Road and Back Road.	North Road has been considered, which leads to Back Road. Given the projected level of vehicles using North Road in the assessment, it is not considered necessary to further explore the highway network.
Highways comments do not clarify which of their needs require a s106 agreement.	Maldon DC officers have detailed this within the committee report.
Two of the three Anglian Water responses reportedly raise objections or concerns about capacity. The residents question how planning permission can be granted without knowing whether the additional waste and sewage can actually be accommodated, particularly given that the Obsidian application was approved despite a specific objection concerning waste removal.	Anglian Water have confirmed that there is sufficient existing capacity to accommodate the flows from all three larger applications. Gladman have engaged with Anglian Water to find a Sustainable Point of Connection to their network. There is therefore no objection on this application in relation to water network or connection. The Obsidian application had not identified a Sustainable Point of Connection yet, but this can be achieved by condition, as has been accepted at appeal on other sites.
The traffic surveys were limited to three junctions and did not consider traffic movements on East Street. The development would create an unsafe environment.	ECC Highways advise that the impact on East Street would not form a reason for refusal in their view.
The application incorrectly assesses the impact on TPO trees.	This is considered in this addendum report.
Traffic impact: Gladman assesses cumulative impact by 2031 on the D'Arcy junction as 91% capacity. They've only considered the four largest Tollesbury developments. Not the 17-home devt on the old Tollesbury Bus Depot (22/00639/FUL), or the 26-home D'Arcy development (25/00207/OUTM).	The junction shows that it has significant spare capacity. The Highways Authority would not consider the two additional developments as large enough to be included in traffic impact assessments. Officers do not consider these developments likely to significantly impact on junction capacity.
Point 4 refers to bus stop improvements where The Centre bus stop is 776m distance from the development site, which does not accord with Active Travel England Standing Advice that	The Square bus stop appears to be c. 390m from the Site entrance. There would be additional distance within the

houses should be within 400m of a high-frequency bus stop.	Site; however, officers note that these are Active Travel England guidelines.
The Highways Authority requested condition seeking improvements to Footpath 10 does not detail lighting (as detailed by Essex Police Designing Out Crime) or costs of funding or maintaining lighting.	Lighting was not specifically suggested for Footpath 10, which would have its safety inherently improved by the proposed development. Lighting details are secured by condition and will be considered at that stage. Any maintenance or upkeep would fall within the management company obligations within a s106 legal agreement.
Infrastructure capacity should not be assessed based on the assumption that a resolved permission will go unbuilt or under-delivered. Once a scheme is resolved to grant, the developer has every reasonable incentive to build out in full.	In recommending the levels of weight to afford to other applications within the area, officers have taken a reasonable view and had regard to appeal decisions. While an application may have a committee resolution, it should be afforded moderate weight at that stage.
The three developments result in 236sqm of additional space required for GP practice expansion. This is a 132 per cent size increase over the existing facility and cannot be realistically achieved.	NHS planning obligations request a total 83.3sqm to cover the three applications. The infrastructure improvements would be secured through a s106 agreement and do not strictly need to be used on the existing facility.
The MDC Call for Sites identified the TOL5 as being sustainable for up to 120 dwellings. So how can 149 be sustainable?	The Call for Sites review is a high level assessment which is intended to form further local plan work. Officers have not given weight to the Call for Sites conclusions, as stated in the committee report. The application is assessed on its own merits.
The cumulative landscape impact would effectively remove half of the existing village's circumference.	The impacts on the village's visual and landscape impacts, including the rural amenity of the village, are considered in the committee report.
Why can decisions be made, when ecology and archaeology officer comments state that there is insufficient information to make a determination.	All three applications required further archaeological ground investigation to be done via condition, which is a standard archaeology approach and allows for the location and significance of assets to be understood. Local Planning Authorities are encouraged to take a reasonable approach, including using planning conditions to secure additional information which would make the application acceptable rather than refuse an application in such a case. Ecology conditions are discussed in this addendum report.
The submitted BNG Report relies on trees in non-SANG areas, which are not guaranteed to survive.	SANG areas are required to mitigate impact on the Blackwater Estuary SPA/SAC/RAMSAR, and do not related directly to BNG. The BNG increase will

	be secured through planning conditions, including the national BNG condition and a Habitat Management and Monitoring Plan, which require long-term review and maintenance to ensure acceptable BNG is achieved.
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8 PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

PROPOSED CONDITIONS (Pages 105 to 119)

Amend Condition 12 as follows:

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 Authority. 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, and to protect and conserve nearby heritage assets, in accordance with Policies S1, D3, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

Add Condition 42 as follows:

Updated Badger Survey and Mitigation

Prior to the commencement of the development hereby permitted, an updated badger survey shall be undertaken to identify any new or active badger setts within the site. The survey results and any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

If any changes in badger activity are detected or where the survey results indicate that changes have occurred that will result in badger-related ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and any new or amended mitigation measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON To ensure the development does not harm protected species or their habitats, 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).