



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

to
**DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2026**

**ADDENDUM
AGENDA ITEM NO. 6**

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

1. CONSULTATION RESPONSES

- 1.1 Since the publication of the committee report further representations have been received in relation to the proposed scheme. The principal matters raised by the representations concern the adequacy of the submitted Flood Risk Sequential Test (FRST); the proposed Grampian condition relating to foul water drainage; highway capacity and cumulative effects; and the enforceability of the proposed planning obligations. These matters are addressed in more detail below.
- 1.2 The representations on flood risk contend that the original FRST submitted as part of the application was not sufficiently transparent or robust. In particular, concerns are raised that the report applied a 5 to 20 hectare site size filter without adequate justification; defined the development needs with reference to specific elements of the scheme (including the village centre, employment floorspace, allotments and community woodland), and that the report did not adequately consider all potentially suitable lower risk sites within or adjoining Latchingdon.

- 1.3 Specific reference is made to the Steeple Road site (Housing and Economic Land Availability Assessment (HEELA) sites LD5 and LD12 and the subject of application ref 25/00894/OUTM). It is argued that this land should have been fully assessed as a potentially suitable lower risk alternative, rather than being excluded by reference to site area, ownership, promotion by another party or the scale of the current proposal. The representations refer to the previous appeal decision and submit that the proposal should not proceed unless the FRST has been carried out on a sound and complete basis.
- 1.4 Further representations also question whether the updated NPPF Policy S5(1)(j) can be satisfied in the absence of current foul water capacity – in other words whether it is appropriate to rely on a condition requiring a future drainage solution; and whether cumulative highway impacts and the delivery of planning obligations have been adequately considered.

2. ADDITIONAL APPLICANT INFORMATION

- 2.1 In response to the late representations received, the applicant has submitted a Sequential Test Addendum, together with a Legal Opinion from Paul Stinchcombe KC dated 17 September 2026 addressing the previous appeal decision, the FRST and the proposed foul water drainage condition. These documents are available on the Council's Public Access system.

3. FLOOD RISK SEQUENTIAL TEST

- 3.1 A FRST is required for the proposed scheme given that the application site is unallocated and the proposal does not fall within any of the exemptions in NPPF Policy F5. This is consistent with the Inspector's conclusion relating to the previous appeal. The previous appeal however did not conclude that the development could not be made safe from flood risk - the Inspector's concern related to whether the alternative site exercise undertaken at the time had sufficiently demonstrated that there were no reasonably available lower risk alternatives.
- 3.2 In the published committee report, Officers considered that the submitted February 2026 Sequential Test, read alongside the appeal decision, the Council's evidence on land availability and the information available for relevant alternative sites, provided a proportionate assessment of realistic lower risk alternatives. That conclusion reflected the scale and nature of the proposal, its anticipated catchment, the need for delivery within a comparable period, and the status and availability of sites identified through the Council's evidence base. Officers were satisfied that no reasonably available lower risk sites had been identified and therefore the proposed development passes the sequential test
- 3.3 The representations that have been received since publication of the report seek further explanation as to the methodology used in the February assessment, including the former 5 to 20 hectare screening range, the description of the development needs and the treatment of individual HEELA sites, particularly LD5 and LD12 at Steeple Road.
- 3.4 In response to the comments made by residents, the applicant has submitted a more detailed Sequential Test Addendum which provides a more detailed reconciliation with the Council's HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives.
- 3.5 The Addendum acknowledges that the FRST is required and confirms that the exemptions in NPPF Policy F5 do not apply. It no longer uses the former 5 to 20 hectare screening range, and instead considers the capacity of potentially relevant sites to accommodate the development need. It also defines that need as up to 140 dwellings, including 40% affordable housing, within

the anticipated catchment of the development and within a comparable delivery period. The village centre, employment, woodland and allotment elements of the scheme are no longer treated as essential components that an alternative site would itself need to reproduce.

- 3.6 The Addendum provides a more detailed update of the sites considered against the Council's HEELA evidence and considers the sites within and adjoining Latchingdon without applying a gross site area threshold. Specifically it confirms that sites LD4 (Land north of Burnham Road, east of Elder Road and LD6 (Land off Steeple Road) are now committed and under construction; sites LD7 (Land adjacent Springwood, Rectory Lane) and LD9 (Land at Coppingers, Maldon Road) are now committed; LD11 (Mayfair, Maldon Road) has been taken forward for employment development; and LD10 (Land rear of Red Lyon Lodge, Burnham Road) and ALT8 (Land adjacent Pedrossi, Burnham Road) are assessed as unsuitable. LD8 (Red Lyons House and Fairfield, Burnham Road) is the subject of an undetermined outline application for up to 47 dwellings. Officers do not consider that LD8 alone, or in combination with another identified reasonably available lower risk site, has been demonstrated to be capable of meeting the relevant development need within a comparable timescale.
- 3.7 The representations question certain aspects of the February 2026 methodology – in particular the use of a site size range and the presentation of the assessment of individual HEELA sites. The applicant's Addendum addresses those points in greater detail and provides an expanded consideration of the HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives. The additional material assists in responding to the concerns raised and provides additional transparency.
- 3.8 The Addendum also expressly considers sites LD5 (Land north of Steeple Road) and LD12 (Land east of Maldon Road, north of The Street), which form the Steeple Road site subject of a current application ref 25/00894/OUTM. This is the closest and most relevant comparator to the application site. The land has not been excluded on grounds of ownership, promotion by another party, gross site area or the quantum currently sought through that separate application.
- 3.9 The flood risk information submitted in respect of the Steeple Road application identifies that, in order to address potential flood levels, parts of the indicative residential areas of the site would be affected by floodwater and would require land raising and finished floor level mitigation. By comparison, the submitted modelling for the application site indicates that the residential development parcels would not lie within the modelled flood extent; the relevant floodplain crossing is limited to the access road.
- 3.10 Officers have considered the submitted comparison alongside the Council's HEELA evidence and the flood risk information available for both schemes. On the evidence available, the Steeple Road land has not been demonstrated to be at a lower flood risk for residential development than the application site. It is therefore not a lower risk alternative for the purposes of Policy F5, irrespective of the difference between the current application quantum at Steeple Road and the 140 dwelling proposal.
- 3.11 Having considered the representations made, and the applicant's response in the form of the Sequential Test Addendum, officers remain satisfied that the FRST is met, and that no reasonably available site or combination of sites have been identified with a lower risk of flooding within the anticipated catchment and capable of meeting the relevant development need within a comparable timeframe.

4. FOUL WATER DRAINAGE

- 4.1 Representations raise concern that Anglian Water has identified insufficient foul water network and treatment capacity, that no upgrade is allocated within the current asset management period, and that it would be inappropriate to grant permission on the basis of a future or uncertain solution. It is also suggested that the proposed Grampian style condition would not be enforceable or would improperly defer a fundamental issue.

Anglian Water's consultation response identifies the current capacity constraint and recommends refusal on that basis – however it also provides condition wording for use should the Local Planning Authority be minded to approve.

- 4.2 Condition 15 would prevent commencement of development until a foul water strategy has been submitted to and approved by the Local Planning Authority. The strategy must demonstrate a deliverable route, identify the receiving water recycling centre and network, any required capacity improvements, the responsible undertaker and programme, or, if a public network route is unavailable, a lawful alternative treatment solution. The condition further prevents occupation until the necessary infrastructure has been completed and written confirmation of capacity and connection has been provided.
- 4.3 The previous Inspector considered this identical issue in detail and concluded that it could be addressed by a Grampian condition. The Inspector's conclusion remains a material consideration, and the amended NPPF requires a positive judgement on whether development is of a scale which can be accommodated, taking account of existing or proposed infrastructure availability; it does not require all infrastructure to be operational at the date of determination. As explained by the Inspector, Anglian Water has responsibility for planning and promoting necessary investment through its own planning processes. The condition requires that a solution is found prior to commencement and occupation, rather than a matter to be resolved after homes are occupied.
- 4.4 Accordingly, there is no change in the Council's position relative to the previous appeal. Existing foul water capacity has not been assumed - the recommendation relies on the condition only because it prevents development proceeding unless an appropriate foul water solution has first been demonstrated and then provided. On that basis, Officers remain satisfied that the infrastructure criterion in Policy S5(1)(j) is met.

5. HIGHWAYS

- 5.1 The late representations refer to the capacity of the local and wider Dengie highway network, the robustness of the submitted traffic assessment and potential cumulative effects of development proposals in the area.
- 5.2 Essex County Council, as Highway Authority, has considered the current proposal and maintains no objection. Its consultation response dated 22 April 2026 acknowledges reservations regarding elements of the trip generation and distribution assumptions, but confirms that the Highway Authority is satisfied that the development would not result in a severe effect on local highway safety or efficiency, which is the relevant NPPF test for refusal on highway grounds.
- 5.3 The Highway Authority's position is subject to conditions and obligations, including provision of the new site access, pedestrian and cycle connections, Public Rights of Way improvements, extension of the 30mph limit, a travel plan and monitoring, and a £425,000 contribution towards improving public transport links between the site and local destinations. No subsequent response from the Highway Authority has been received which alters that position.