



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

to
**DISTRICT PLANNING COMMITTEE
15 OCTOBER 2026**

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. BACKGROUND

- 1.1 This application was considered by the District Planning Committee on 22 September 2026 with the following recommendation:

APPROVE and delegate authority to the Director of Place, Planning and Growth to grant outline planning permission subject to:

- (i) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the Heads of Terms set out in Section 8 of the previous Committee report at **APPENDIX 1**, as updated by **APPENDIX 2**;
- (ii) the planning conditions set out in Section 8 of the previous Committee report at **APPENDIX 1**, as updated by **APPENDIX 2**.

If the Section 106 legal agreement is not completed within three months of the date of this District Planning Committee, or an extended time period as agreed between the applicant and the Council, then delegate authority to the Director of Place, Planning and Growth to **REFUSE** the planning application

- 1.2 The previous Committee report is attached at **APPENDIX 1** and related Addendum at **APPENDIX 2**.
- 1.3 At the meeting, Members questioned whether the flood risk sequential test had assessed a sufficiently broad range of reasonably available alternative sites across the District. Their questions concerned the search criteria, whether the housing

element should be considered separately from the other proposed uses, the treatment of sites in the Housing and Economic Land Availability Assessment (HELAA), and the effect of any shortfall in the planning balance. Members also asked about foul water capacity and the timing of an acceptable drainage solution. The Committee unanimously deferred determination for independent advice to be obtained.

- 1.4 This report summarises the written advice dated 6 October 2026 from Matthew Fraser of Landmark Chambers and sets out the officer recommendation following that advice.

2. COUNSEL ADVICE

- 2.1 Counsel advises that the Inspector's decision of 21 January 2026 on the earlier, largely identical proposal is a significant and material consideration in the assessment and Planning Balance. An outcome on a matter which is different to that of a conclusion on the same matter previously addressed by the Inspector would require a clear explanation. The Inspector dismissed that appeal because likely significant effects on 'functionally linked land associated with protected habitats' had not been satisfactorily excluded or addressed. Counsel notes that this issue has since been resolved through this current application.
- 2.2 On flood risk, the Inspector found that the earlier sequential test had not been satisfied because alternative Housing and Economic Land Availability Assessment (HELAA) sites had not been robustly assessed. The Inspector also found that the 'exception test' was passed, that only part of the access road would be directly affected by flood risk, and that the adverse effects of the sequential-test shortfall were limited.
- 2.3 Counsel has considered the current sequential-test assessment and the applicant's addendum dated 16 September 2026. His view is that the appraisal of alternative sites is unusually comprehensive and would be very likely to be accepted as satisfying the test. He agrees with the assessment in the Committee report, which was prepared before the addendum was received.
- 2.4 Counsel further advises that, if Members nevertheless conclude that the sequential test has not been satisfied, that conclusion must be considered in the planning balance. The previous Inspector gave the shortfall limited weight in the circumstances of that appeal, having found that the exception test was passed. It would not, of itself, necessarily determine the outcome of this application.
- 2.5 On foul water drainage, Counsel notes the Inspector's conclusion that the lack of current network capacity could be addressed by a suitably worded Grampian condition. The applicant's drainage consultants have since provided a note dated 1 October 2026 describing three alternative solutions. Counsel considers that the further work and the proposed condition support the same approach. The condition would prevent the development proceeding without an acceptable foul water infrastructure solution.
- 2.6 Counsel also considers the policy position under the August 2026 National Planning Policy Framework. He agrees with the report's approach to Policy S5(1)(j), under which the development should be approved unless its adverse effects substantially outweigh its benefits. He notes that Policy HO7 requires substantial weight to be given to meeting evidenced housing need, including the proposed affordable housing. In relation to infrastructure, he notes that Policy S5(1)(j)(i) refers to existing

or proposed availability; the proposed foul water condition is relevant to that assessment.

3. SUMMARY

- 3.1 The advice supports the officers' assessment that the current evidence satisfies the flood risk sequential test and that foul water drainage can be dealt with through an appropriately worded condition. Members should consider the advice alongside the previous Committee report, Addendum, representations and all other material planning considerations.
- 3.2 The officer recommendation remains to **APPROVE** the application and delegate authority to grant outline planning permission, subject to completion of the Section 106 agreement and the conditions set out in the previous Committee report and Addendum, including the foul water drainage condition. The proposed delegation to refuse if the agreement is not completed within the specified period also remains as set out at paragraph 1.1 above.