APPENDIX 1

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
5 AUGUST 2026

Application Number	**25/00381/OUTM**
Location	Land North of West Street Tollesbury Essex
Proposal	Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, Suitable Alternative Natural Greenspace (SANG) and sustainable drainage.
Applicant	Welbeck Strategic Land IV LLP
Agent	DLP Planning Ltd
Target Decision Date	14 August 2026
Case Officer	Gareth Ball
Parish	Tollesbury West
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary.

1. RECOMMENDATION

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

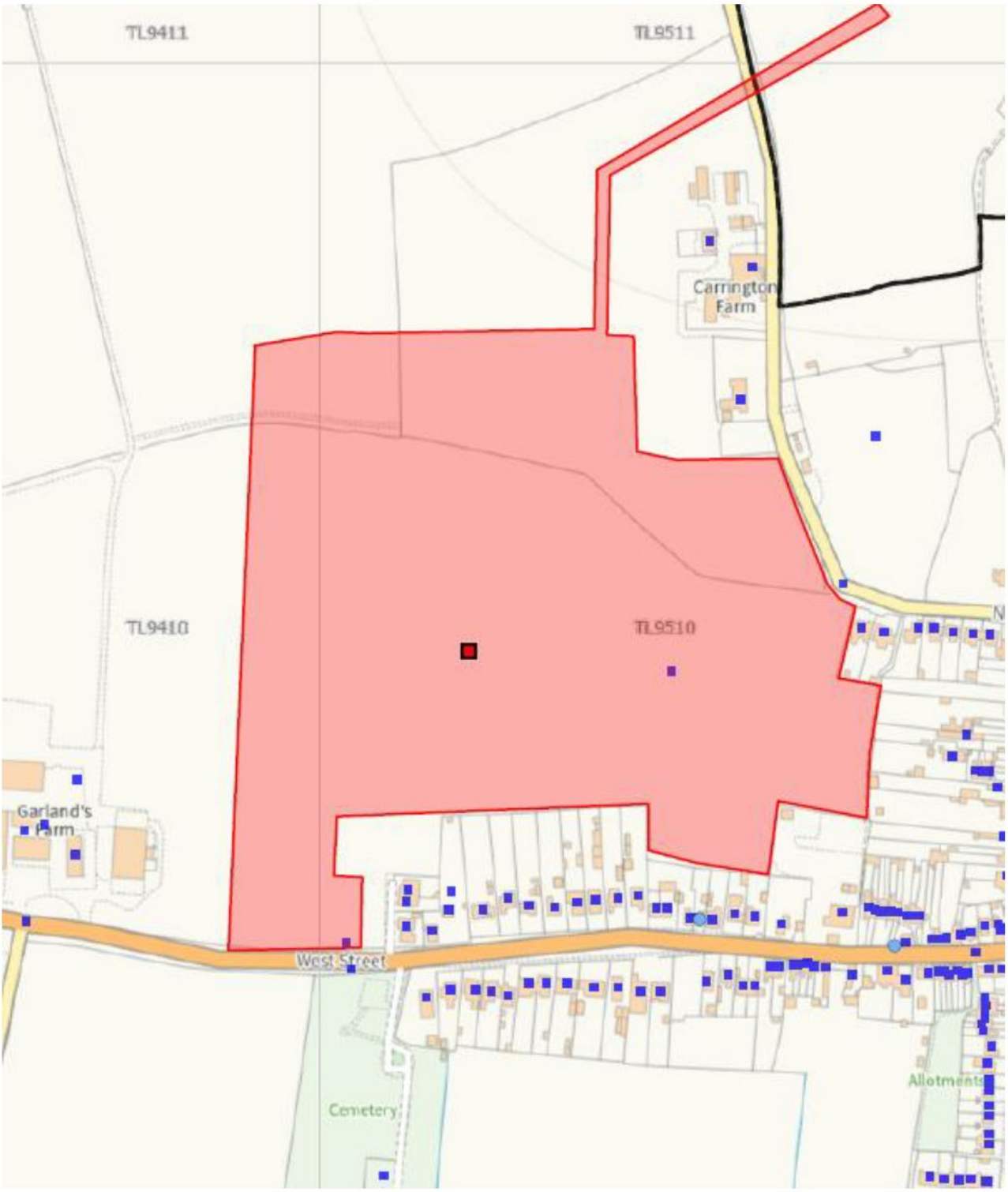
If the Section 106 legal agreement is not completed within three months of the date of this District Planning Committee, or an extended time period as agreed between the applicant and the Council, then delegate authority to the Director of Place, Planning and Growth to **REFUSE** the planning application , subject to the referral of the case to the Secretary of State for a period of at least 21 days, who may opt to call-in the decision as per the Town and Country Planning (Consultation) (England) Direction 2026.

2. SITE MAP

Please see below.

APPENDIX 1

25/00381/OUTM – Land North Of West Street – Tollesbury



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

The site and surroundings

3.1.1 The application site (hereon referred to as the "Site") is a c. 10.87-hectare area of land located on the western side of Tollesbury, bounded by open countryside to the west. The southern boundary abuts a mix of West Street and the rear of residential properties on West Street. The eastern boundary adjoins North Road and the rear/side of properties on North Road. There is a commercial garage on West Street, to the southeast of the Site.

3.1.2 The Site is outside the settlement boundary, which runs directly to the south of the Site, and is existing agricultural use.

3.1.3 There are three nearby Public Rights of Way (PRoW):

- Footpath Tollesbury 3 runs north-south, 80m to the west of the Site.
- Footpath Tollesbury 4 runs east-west, through the northern portion of the Site.
- Footpath Tollesbury 17 runs along the eastern boundary, along the rear of existing properties on North Road

3.1.4 Nearby heritage assets include:

- Tollesbury Conservation Area is located adjacent to the easternmost Site boundary.
- Grade II listed 76 West Street is located in the western part of the ribbon development on West Street to the south.

3.1.5 Other factors impacting the Site are:

- The Site is located in Flood Zone 1, which has the lowest flood risk of the zones.
- There are no trees with a Tree Preservation Order (TPO) on or adjacent to the Site.
- The Site is located c. 1.2km from the Blackwater Estuary RAMSAR, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. It is within the Zone of Influence (ZoI) and the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) therefore applies.
- The Site is wholly located within a sand and gravel Mineral Safeguarding Area (MSA).

The proposed development

3.1.6 The submitted planning application seeks:

"Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, suitable alternative natural greenspace (SANG) and sustainable drainage."

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

- Appearance
- Landscaping
- Layout
- Scale

3.1.8 The proposal for up to 159 dwellings including 40 per cent affordable housing. The submitted parameter plans propose housing areas in the south and centrally within the site. The building heights parameter plan proposes up to 2.5 storeys, dropping to up to 2 storeys where the Site backs onto existing housing on West Street and North Road.

3.1.9 Vehicle and pedestrian access would be from West Street on the southern site boundary and in the northeast of the Site off North Street. Additional pedestrian accesses are proposed onto adjoining PRoW.

3.1.10 The western and northern areas of the Site, which back onto further existing green space, would be informal open space (to include the SANG area) and areas required for drainage attenuation. A belt of woodland is proposed on the north and western site boundaries for screening. A linear green park would run through the centre of the Site east-west, which also incorporates two areas of children's play space. The Site has a short area branching off to the northeast which is shown as a 'drainage infrastructure corridor'.

3.2 Conclusion

3.2.1 The application seeks outline planning permission for up to 159 homes. The site is located outside the settlement boundary of Tollesbury and is therefore contrary to the spatial strategy of the Local Plan. The Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS). As such, the housing policies most important to the determination of the application are out of date. Paragraph 11d of the National Planning Policy Framework (NPPF) (the Tilted Balance/Presumption in favour of Sustainable Development) is therefore engaged and permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.

3.2.2 The proposal would provide up to 159 dwellings, including policy-compliant affordable housing secured by condition. The unit size mix would also be secured to accord with the most recent Local Housing Needs Assessment (LHNA). This would provide a significant social benefit through the delivery of market and affordable housing in a sustainable larger village location.

3.2.3 Two main vehicle/pedestrian accesses are proposed – one from West Street to the south and one to North Road, in the northeast. Essex County Council (ECC) Highways raise no objection, subject to conditions and obligations. The proposal would tie into two PRoW, which would have improvements secured by a planning condition, in addition to required bus stop improvements, a Travel Plan and financial contributions towards improving public transport regularity. Officers are satisfied that the development would not result in a severe residual cumulative impact on the highway network having regard to other similar development adjoining Tollesbury.

3.2.4 The application seeks to development a greenfield site in the open countryside. The application was supported by a Landscape and Visual Impact Assessment (LVIA), which was reviewed by an external consultant as part of the determination process. The proposal would result in 'major/moderate adverse' landscape effect and a level of up to 'major/moderate' adverse' visual impact in the worst-case scenario, which are stretches of multiple PRoW which run through the Site. Officers have also identified a low level of less than substantial harm to the Tollesbury Conservation Area and the Grade II listed 76 West Street. This harm must be weighed against the public benefits of the proposal. There would be a limited level of harm to the Protected Lane Colchester Road, which is being considered as a non-designated heritage asset.

3.2.5 If Members are minded to grant outline permission, reserved matters stage would consider the detailed design of the development, including design quality, parking, standard of accommodation and private external amenity space. The submitted parameter plans include an east-west linear park running through the Site, which would contain two children's play spaces. The northern and western areas of the Site would connect with existing PRoW and provide informal communal open space.

3.2.6 The proposal would provide sufficient onsite measures to mitigate any impact on the Blackwater Estuary and any other ecological protected sites. The submitted Mineral Resource Assessment demonstrates that there would not be any unacceptable sterilisation of mineral resources.

3.2.7 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this committee report, finding that the harms would not significantly and demonstrably outweigh the benefits of the development, including the provision of 159 homes when the Council cannot demonstrate a 5YHLS. Therefore, Officers recommend that approval is granted in accordance with the 'tilted balance' in the NPPF, subject to the conditions and planning obligations recommended in this Committee report.

4. MAIN RELEVANT POLICIES

4.1 Members' attention is drawn to the list of background papers attached to the agenda.

4.2 The development plan has been considered on the whole and the main relevant policies are listed below:

4.3 **National Planning Policy Framework (NPPF) including paragraphs:**

- Chapter 2 Achieving sustainable development
- Chapter 3 Plan-making
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land

- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment
- Chapter 17 Facilitating the sustainable use of minerals

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

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

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

4.6 **Relevant Planning Guidance / Documents:**

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)

- Essex Coast Recreation Disturbance Avoidance Mitigation SPD (RAMS)

5. MAIN CONSIDERATIONS

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

5.2 Principle of Development

Proposed Land Use

5.2.1 While the Local Plan does support growth and housing provision, it is directed to areas per the settlement hierarchy in Local Plan Policy S8. Tollesbury is defined as a 'larger village' which is the second tier of the hierarchy. The Site lies outside of any defined settlement boundary and is not within an allocated housing site within the Local Plan. The Site falls within the open countryside. Policy S8 supports development in the open countryside where it complies with one of the sub-criteria (a) to (m) within the policy and where the "*intrinsic character and beauty of the countryside is not adversely impacted upon*". The development is not provided for any of the sub-criteria and (as discussed later in this Committee report) does adversely impact on the intrinsic character and beauty of the countryside. The development is therefore contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.

Five-year Housing Land Supply (5YHLS)

5.2.2 Paragraph 79 of the NPPF requires the Council as the Local Planning Authority (LPA) for the Maldon District to "*monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies*".

5.2.3 NPPF Paragraph 78 requires "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*". The Council therefore prepares and publishes a Five-Year Housing Land Availability Report, annually.

5.2.4 The previous application which was withdrawn (the "Withdrawn Application" ref 23/00548/OUTM) was under consideration at a time when the Council was able to demonstrate a 5YHLS and the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF was therefore not engaged. Following changes to the calculation of housing supply in the NPPF in Maldon District Council (December 2024), it was established in a report to the Council on 12 February 2026 that the 5YHLS stands at 4.1 years. This figure has been disputed in recent planning appeals, with the most recent figures quoted as being 3.9 years from the appeal at the Land west of the Cemetery London Road Maldon (App ref 25/00578/OUTM). Irrespective of the differences in figures stated it is acknowledged that the position is that the Council's YHLS is below five years. As such, it is recognised that the Council cannot demonstrate a 5YHLS.

Presumption in Favour of Sustainable Development

5.2.5 Chapter 2 of the NPPF seeks to achieve sustainable development, which runs throughout the policies in the Framework. Paragraph 11 presents the presumption in favour of sustainable development, with parts (c) and (d) sets out how the presumption should be applied in decision making.

5.2.6 NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9]."*

5.2.7 As stated earlier in this committee report, the Council cannot demonstrate a 5YHLS. Footnote 8 (within NPPF Paragraph 11 above) clarifies that out-of-date policies "*includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*".

5.2.8 The housing-related policies in the Local Plan must therefore be considered out-of-date, and the application is to be determined under sub-paragraph (d), rather than (c) which relates to up-to-date plans. This will be undertaken within the Planning Balance and Conclusion section of this Committee report, taking into account all material considerations assessed throughout.

<u>Sustainable Transport and Accessibility</u>

5.2.9 The development would implement highways works to connect to existing pavement which provides safe pedestrian routes into Tollesbury and would be secured by planning conditions. The application is supported by a Framework Travel Plan (FTP) which details how modes of sustainable travel would be improved and future occupiers encouraged to use.

5.2.10 The Site lies outside of the defined settlement hierarchy, with the Tollesbury settlement boundary terminating directly to the east of the Site; however, the weight afforded to this policy conflict is lesser given that it must be considered as out of date (as explained above). Officers note the commentary attached to the Site within the Council's 'Call for Sites' (CFS) as part of the Local Plan preparation, where it was considered sustainable and appropriate for up to 100 and 150 dwelling (although the Site is only partially within this second CFS site); however, the CFS is a high-level assessment and is not an allocation of the Site – Officers therefore give this limited weight in the considerations.

5.2.11 Tollesbury is categorised as a 'larger village' in the Local Plan settlement hierarchy, which is the second highest tier of settlement size. Policy S8 notes that larger

villages are "*defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport*".

5.2.12 The Site is located outside the settlement boundary but is a short walkable distance from a local Primary School, bus stops, retail unit, pharmacy, public house and recreation grounds.

5.2.13 Bus services run to Colchester, Witham and Maldon. The services generally run every 30 minutes as a total service, but individual routes are less frequent themselves. Buses run between 07:00 – 19:30 on weekdays, 07:30 – 18:45 on Saturdays and no services on Sundays. While the Site does have a dependable service on weekdays, it lacks bus services in the evening and on Sundays, which would necessitate other modes of travel for residents wishing to travel in those times.

5.2.14 The additional patronage on these services (through more persons needing to use the buses) would be mitigated through a £450,000 financial contribution towards service improvement, as requested by the Highways Authority and agreed by the applicant.

5.2.15 Taking into account the local facilities and public transport options, and also noting other decisions and recent appeal decisions within the district including the Site directly to the south of West Street (ref 25/01057/OUTM), Officers conclude that the Site would be in a sustainable location as Tollesbury is considered a 'larger' sustainable village in the settlement hierarchy (policy S8); however, it is acknowledged that there would be an element of reliance on private motor vehicle trips which cannot be fully addressed.

<u>Loss of Agricultural Land</u>

5.2.16 Local Plan Policy D2 (11) states that "development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor-quality land should be prioritised over higher quality land".

5.2.17 Natural England's (NE) 'Provisional Agricultural Land Classification' (ALC) places the Site within an area of grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category. NPPF Paragraph 187 (b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 (of the NPPF) states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

5.2.18 The agricultural land consultation of NE is triggered by the loss of more than 20ha of BMV land, which the application does not propose. Officers do however note there is a loss but take the same stance as the Inspector within appeal decision 24/01004/OUTM (Land South of Threeways and 45 The Street, Latchingdon). While the Site is within an area which may contain some grade 3a land, Officers note the relatively small amount of land being lost within the proposal when the total supply within the District is taken into account. The loss will be considered within the planning balance. Officers also note the recent appeal decision for application ref 25/00578/OUTM (Land west of the Cemetery, London Road, Maldon), where 18.4ha of grade 3a BMV land was noted as being 'abundant' in Maldon by the Inspector, who concluded that wherever new development takes place it would likely need to use land of similar quality, stating (ref appeal decision Paragraph 58) that "*given the*

size of the site in relation to the area of land in the district under cultivation, I do not consider that it would materially reduce the productivity of the wider area".

Community-Led Homes

5.2.19 Comments have been received stating that community-led housing should have been included within the development. Officers acknowledge the complications of including a community-led element within a larger scheme, noting the requirements within the NPPF definition of the product.

5.2.20 There is no national or local requirement for community-led housing. While it is a welcome benefit when proposed, the LPA cannot currently demand its inclusion. While the applicant did explore the option of including an element of community-led housing within the scheme, it is not included.

Principle of Development Summary

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

5.3 Affordable Housing

5.3.1 The development would be policy compliant in relation to affordable housing, which would be secured at this outline stage through Section 106 (S106) legal agreement planning obligations requiring:

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

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

5.4 Unit Size Mix

5.4.1 The matters of layout and scale are reserved, which would be considered at reserved matters stage.

5.4.2 Officers recommend a condition securing the unit size mix to be in accordance with the most recent LHNA and the applicant is agreeable to this.

5.5 Quality of Proposed Accommodation

5.5.1 Matters relating to the internal size of dwellings, provision of private external amenity space, acceptable natural light etc are not a material consideration in this outline application, as layout is reserved. The Site has sufficient space to accommodate the number of dwellings (which would be a manageable density of 25 dwellings per hectare if 159 dwellings are provided within the parameter plan area).

5.5.2 Noting the proposed land use and the use of adjacent land, Officers do not have any concerns in relation to noise, smell, light, visual impact and pollution, in accordance with Local Plan Policy D1.

Summary of Proposed Accommodation Quality

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

5.6 Landscape and Visual Impact

Policy Position

5.6.1 The site does not fall within any formal landscape designation.

5.6.2 The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (LCA) document shows the Site to be within Landscape Area 'E1 Tolleshunt Coastal Farmland', the key landscape characteristics of which are:

- Absence of woodland.
- Semi regular pattern of tall hedgerows, small copses and shelterbelts, although many hedgerows removed.
- Gently undulating arable farmland behind the coastal marshland.
- Small-scale settlements situated in close proximity.

5.6.3 The LCA notes within the 'visual characteristics' of the E1 area are:

- Panoramic views across coastal farmland to the Blackwater Estuary and the Tollesbury Wick
- marshes as well as to the wooded farmland to the north and west.
- Views to Bradwell Power Station.
- Open landscape of flat to slightly undulating arable fields.
- Sail lofts local landmarks at marina outside Tollesbury.

5.6.4 The LCA assesses E1 as having a 'moderate to high' sensitivity to change.

5.6.5 The Site is also near multiple other LCA Landscape Areas which were also considered for longer view impacts.

Landscape and Visual Impact Assessment (LVIA) Methodology and Baseline Assessment

5.6.6 The application is supported by a LVIA, produced by aspect landscape planning. The LVIA has been independently reviewed by WWA Landscape on behalf of the Council. WWA provided a written Landscape Review (LR) which has been reviewed by Officers and taken into account within Officers' considerations.

5.6.7 The LR generally supports the findings of the LVIA, with some disagreements which were presented in the LR, acknowledged by Officers and included where relevant within this committee report section. The study area and report methodology are acceptable.

5.6.8 The LVIA makes reference to the Site's National Character Area (NCA) Profile, but the LR agrees with the LVA that it should be scoped out as a landscape receptor due to the limited scale of the proposals.

5.6.9 In terms of a baseline assessment, the LVIA notes that

"The site occupies three areas of open arable farmland to the west of Tollesbury and is bisected by a PRoW. It is visually contained to the east and south east by Tollesbury itself and by existing hedgerows along West Street to the south western corner of the site or along Back Road/North Road, albeit both hedgerows have some gaps. The northern and western boundaries of the site are undefined.

The site has two PRoW that cross it, PRoW Tollesbury 4 running east to west along the northern end of the site and PRoW Tollesbury 17 adjacent to part of its eastern boundary.

The site is relatively flat, rising to the south by 4m and with the exception of a small number of trees and low scrub within parts of a remnant hedgerow to the north west, the site has no further vegetation cover other than the arable crops and areas of grassland.

The semi-urban edge character created by the residential dwellings that form the western edge of Tollesbury is further urbanised by elements such as powerlines that run across the site. Overall, the site has relatively unremarkable characteristics."

Landscape Effects

5.6.10 The impact on landscape receptors is most prominent at the Site itself, where Officers have identified a 'major/moderate' adverse impact, with a 'minor' adverse impact on LCA E1 and D1, with 'negligible' impacts at other receptors. The collective landscape impact is considered to be 'major to moderate' adverse.

Visual Effects

5.6.11 The selected viewpoints and visual receptors used within the LVIA are considered acceptable. The LR agrees with the visual effects identified in the LVIA. Taking the effects into account, along with GLVIA3 guidance, the identified effects are listed below:

Visual Receptor	Identified Effects
B1023 Tollesbury Road / West Street	Minor adverse
North Road / Back Road	Minor adverse
PRoW Tollesbury 4 and 17 within site	Major/moderate adverse
PRoW Tollesbury 3 west of site	Minor adverse
PRoW Tollesbury D'Arcy 7	Negligible adverse
PRoW Tollesbury D'Arcy 12 Pages Lane	Negligible adverse
PRoW Tollesbury 8, east of Prentice Hall Farm	Minor adverse
BR Tollesbury 20, Prentice Hall Lane	Negligible adverse
PRoW Tollesbury 25, coastal sea wall	Negligible adverse
PRoW Tollesbury 19, south of St John's Court	Minor adverse
PRoW Tollesbury 5, east of Back Road	Moderate adverse
PRoW Tollesbury 1, north of Old Hall Lane	Negligible adverse

Table 1 - LVIA Review Visual Effects Summary

5.6.12 The highest magnitude of effect would be on PRoWs Footpaths 4 and 17, which run through the Site. Footpath 17 is a short stretch of road running along the rear/between properties on North Road, While Footpath 4 extends wider than the north of the Site, running through the proposed green area in the north. The level of effect is mitigated somewhat by the proposed mitigation (to be discussed later in this section); however, a major/moderate adverse impact has been identified. Moderate adverse impacts have been identified to PRoW 5, which is located to the northeast of the Site and has views into the Site. The impacted receptors have existing views into a rural green undeveloped Site which the proposal would alter with an urbanising effect.

5.6.13 The LVIA also identifies impacts between major and minor adverse to residential properties on West Street, North Road and Back Road. Assessing residential visual amenity is separate to LVIA impacts under GLVIA3 and subsequent guidance notes. This is considered in the Impact on Amenity section of this committee report. The applicant submitted a Briefing Note in response to the WWA review of the submitted LVA. The briefing note relates to comments regarding the lack of a Residential Visual Amenity assessment (RVAA), stating that an RVAA is not required on this application and that the LVIA did include residential receptors. The Note goes on to quote GLVIA3 guidance that states an RVAA is only justified when the effect on residential visual amenity could reach the Residential Visual Amenity Threshold. This may occur when development would be overbearing/overwhelming or overtly intrusive; however, this is a high bar and would not apply to the proposed relationship of residential housing proposed on an edge of settlement location.

Landscape Proposals and Mitigation

5.6.14 The LVIA seeks to mitigate the impact through multiple methods – the location of residential units is proposed near existing housing, SANG is proposed to mitigate impact on the norther PRoW 4 and a woodland belt is proposed (minimum width 10m) to the north and west boundaries to improve green screening of the Site from external views. Enhancements to the existing hedgerow on North Road are proposed, including additional planting to fill in existing gaps, with restoration of hedgerows along PRoW 4. A green linear park would run through the Site, east-west. These elements would improve the impact on the landscape and visual receptors over time; however, Officers do not consider the mitigation sufficient to result in a material decrease in level of harm.

Cumulative Effects

5.6.15 This application was made prior to the outline application seeking up to 200 units on the site to the south of West Street, ref 25/01057/OUTM, which considered the cumulative impact of both developments. Upon the consideration of that application at planning committee, Officers advised that the current application should be given limited weight due to its status. At present, Officers have recommended giving moderate weight to that development – there is a resolution to grant permission which increases the weight; however, the S106 must be completed and there are no guarantees that the development will be built out.

5.6.16 As noted in that previous application, there would be an in-combination impact on the openness of the western approach to Tollesbury if both developments were to be implemented. Both developments push the vast majority of residential units away from the street scene but would have a small level of development that is visible and there would be an urbanising effect on the approach to Tollesbury through the establishment of two large junctions in close proximity.

Conclusion

5.6.17 The proposal would result in:

- 'major/moderate adverse' landscape effect to the site and its immediate context / local landscape setting.
- a multitude of adverse visual impacts ranging from 'negligible' to 'major/moderate' adverse.

5.6.18 As per the development to the south, the landscape impact is a relatively significant level of effect as this proposal would also cause a notable change and degradation to the character and appearance of the local area. Officers note that the more serious effects are relatively localised, even more so on this current application due to the areas proposed for residential development being adjacent to existing housing which screens many views to the east and south, and the proposed woodland buffer providing eventual screening to the north and west.

5.6.19 In summary, the proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and H4 and the NPPF. This harm needs to be weighed in the Planning Balance and Conclusion section of this committee report.

5.7 Layout and Design

5.7.1 Appearance, Layout and Scale are reserved matters, therefore not for consideration in this application. If outline permission is granted, the decision would be subject to the details within reserved matters.

5.7.2 However, the application sets out some design constraints through parameter plans. An application for reserved matters would need to comply with the parameter plans.

5.7.3 Building heights would range from up to 9.5 metres (two-storeys) to up to 10.5 metres (2.5 storeys), with the taller buildings at key locations. This includes the access area; however, design will be considered in terms of its impact on the surroundings at reserved matters stage. Buildings adjoining existing dwellings (on West Street and North Street) would be two-storey. This is an appropriate design response to the Site's context. The proposed 25 dwellings per hectare (dph) density is shown to be low but comparable to the nearby areas of Tollesbury, with an average density of 23dph. The detailed layout and architectural appearance/materials of the buildings is not a material consideration in this outline application.

5.7.4 While the density and building heights defined by the parameter plans are appropriate when compared to existing housing within the Site's context, and the design approach is largely consistent with existing development in Tollesbury, the development would have negative offsite visual impacts, as discussed in the previous section of this report. In terms of the layout within the Site itself, the approach to the development is acceptable. In that regard, the design would comply with the relevant parts of Local Plan Policies D1 and H4.

5.8 Open Space, Landscaping and Children's Play Space

5.8.1 Landscaping is a reserved matter and therefore cannot be considered in the current outline application. The submitted illustrative layout, in addition to the submitted parameter plans (which would secure reserved matters details to be submitted in accordance with the parameter plan layout) demonstrate that acceptable open space can likely be achieved onsite with a detailed housing layout.

5.8.2 The Green Space Parameter Plan would secure the general layout of onsite open space:

- Native woodland belt on the west and north boundaries to be a minimum 10m depth
- East-west linear park which would contain two children's play areas.
- Biodiversity Enhancement Area and drainage attenuation basins in the north, with hedgerow separation and managed access including PRoW Footpaths 4 and 17 which would be subject to improvements.
- Informal open space along the west and northwest boundaries.

5.8.3 The general open space provision is considered acceptable. The detailed layout and landscaping, in addition to the schedule of planting and children's play space, would be progressed at reserved matters stage and are recommended to be secured by conditions in Section 8 of this report. Subject to this, officers are satisfied that the development can provide sufficient open space and landscaping of a high quality, in accordance with Local Plan Policies D1 and N3.

5.9 **Impact on Heritage Assets and Archaeology**

Policy Position

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

5.9.2 The NPPF provides the basis for assessing heritage impact on a planning application. NPPF Paragraphs 207-221 direct the consideration of heritage harm, which are not reproduced in this report but available within the NPPF.

5.9.3 While the application is made in outline, the parameter plans provide constraints which the scale and location of development would be located within. An assessment on heritage impact can be made on this basis.

Identified Heritage Assets

5.9.4 The following heritage assets have been identified as potentially being impacted by the proposal:

- Conservation Areas
  - Tollesbury Conservation Area
- Designated Heritage Assets
  - 76 West Street (grade II listed building)
- Non-designated Heritage Assets
  - Colchester Road (Protected Lane)

Assessment – Tollesbury Conservation Area

5.9.5 Part of the eastern edge of the Site abuts the Tollesbury Conservation Area, where the conservation area boundary runs along the ends of the back gardens at Nos 19, 21, 23 and 45 North Road. A public footpath on the application site runs alongside this boundary, leading from North Road to West Street. Those properties within the Conservation Area which are adjacent to the application site have relatively mature hedgerows or boundary fences along the boundary. There are no important views of the Conservation Area either from or across the application site, nor are there any important views from within the conservation area of the application site.

5.9.6 The proposed residential development would not have a notably adverse impact upon the setting or significance of the conservation area; however, the impact would result in a low level of less than substantial harm to the conservation area.

Assessment – 76 West Street

5.9.7 No. 76 West Street is a 17th-century 1.5 storey timber-framed and rendered house orientated at right angles to the road. It has a well-preserved and interesting timber-framed structure, and the remains of an original inglenook fireplace. Despite alteration in the 20th century, the building retains architectural interest due largely to the age of its timber-framed structure, the legibility of its historic planform and the remnants of an original inglenook fireplace. The house was originally relatively isolated, located well outside the nucleated part of the village. It now forms part of a street of ribbon-developed 20th-century houses, contiguous with the rest of the village. Nevertheless, the position of No. 76 close to the road, with its principal elevation facing west up the street, makes it stand out from the neighbouring houses which are all set back from the highway.

5.9.8 The development would be located within the wider setting of No. 76 West Street – the developed area would be adjacent to the northern boundary of the garden at No. 76. The garden is however relatively long, and the house sits at the south end of its plot, addressing the street. The house does not have an important relationship with the field to the north. The proposed development may be visible from the listed house, but its impact on the building's setting or the ability to appreciate its significance is likely to be limited given that the principal elevation faces away from the proposed development.

5.9.9 As part of the application, it is proposed to upgrade the bus stops in West Street near the south entrance to the Site, near No. 76 West Street. The westbound bus stop on the south side of the road is currently an unmarked layby about 50 metres southwest of the listed building. Proposed improvements to this bus stop include 'bus cage' road markings, a bus shelter, a raised kerb to assist disabled access and timetable information. These features would be visible in some views of and from the listed building but, subject to sympathetic design, should not cause any notable harm to the significance of the listed building. The eastbound bus stop is much closer to the 76 West Street, located on the north side of the road immediately to the southwest of the listed building. Here, the plans submitted with the Transport Assessment (TA) indicate that 'bus cage' road markings may be introduced. It is not considered that such markings would necessarily cause harm to the setting of the significance of the Listed Building. If planning permission is granted, The Council's Conservation Officer recommends that a condition is attached which requires the design of bus stop upgrading be agreed with the LPA prior to implementation. Officers have amended the bus stop details condition to reflect this.

5.9.10 There would be intervisibility between the sites and, noting the scale and residential nature of the proposed development and the existing ribbon development on West Street, the Conservation and Heritage officer advises that the proposal would result in a low level of 'less than substantial harm' to the significance of the Grade II Listed Building.

Assessment – Colchester Road

5.9.11 Colchester Road is a Protected Lane as defined in the Local Plan, which has heritage value.

"Protected Lanes are an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and the relationship of features within it over time. They have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats, and allow people to access historic landmarks and landscapes, encouraging recreation within the countryside."

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

5.9.13 NPPF Paragraph 216 states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*".

5.9.14 The Council's Conservation and Heritage Officer note that there may be an increase in vehicle trips on Colchester Road from new development. This is consideration with the current application due to the proposed new access point onto North Road. This may lead to impacts on the grass verge and elements such as a bridge. The Conservation and Heritage Officer conclude's that there may be limited harm, at most, to the Protected Lane. Officers have reviewed the projected vehicle trips and agree that the level of harm would certainly be limited at most, given that there is unlikely to be a significant number of vehicles going down this route. The protected lane is part of the adopted public highway and traffic can pass freely along this route without restriction, which is distant from the site, so no objections are raised to the impact upon this road.

Heritage Harm Assessment

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

Heritage Asset	Harm Identified
Tollesbury Conservation Area	Low level of less than substantial
76 Wes Street (Grade II listed building)	Low level of less than substantial
Colchester Road Protected Lane (NDHA)	Limited harm

Table 2 - Relevant Heritage Assets

5.9.16 This results in a cumulative level of a low level of less than substantial heritage harm. As heritage harm has been identified, the level of harm must be weighed against the public benefits of the proposal in accordance with Paragraph 215 of the NPPF. This assessment will be undertaken in the Planning Balance and Conclusion section of this committee report.

5.9.17 In terms of the cumulative impact of multiple applications and noting the moderate weight given to the 25/01057/OUTM application, heritage officers have advised that the applications impact on different heritage assets and there would be no in-combination effect from the two developments on any heritage assets. Officers do not consider there to be a cumulative impact on non-designated heritage assets given the road access points from other development Sites.

5.9.18 An assessment of the level of less than substantial harm weighed against the public benefits of the proposal will be undertaken within the Planning Balance and Conclusion section of this committee report.

Archaeology

5.9.19 NPPF Footnote 75 advises that "*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*".

5.9.20 The application has been reviewed by the County archaeologist, who advises that the Essex Historic Environment Record (EHER) shows that the proposed development is sited within an area of archaeological potential. The applicant has undertaken a programme of archaeological geophysics and trenching over the majority of the Site, which confirms Roman activity – likely a reasonably high-status archaeological site. The Maldon Archaeology and History Group had previously excavated 44 Roman cremation burials on the site and it is not known whether the cemetery extends beyond the limits of their excavation. In addition, the Site likely contains Late Iron Age activity.

5.9.21 Given the high potential for archaeological assets on the Site and the significance which they may have, a condition is recommended to secure a programme of archaeological investigation. Subject to the condition, officers are satisfied that the proposal would not result in any harm to archaeological assets, in accordance with Local Plan Policy D3 and the NPPF.

5.10 **Impact on Amenity**

Impacts for Consideration

5.10.1 The basis of Policy D1 (4) of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.

5.10.2 While the detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved, this outline application seeks approval for the scope of the development through the parameter plans. This includes the general location and maximum scale of buildings, and the location of the main access routes within the scheme. The impact on the view of neighbouring properties is not a material planning consideration.

Daylight, Sunlight, Outlook and Privacy/Overlooking

5.10.3 The submitted building heights parameter plan proposes areas of up to two-storey height development up to 9.5m on the Site boundaries adjacent to existing residential development. The central areas of the Site are 2.5 storey height, up to 10.5m. The layout of buildings would be constrained to within the proposed built areas on the Land Use Parameter Plan; however, the full details will need to be submitted and assessed at reserved matters stage. These details will be required to achieve acceptable distances to existing properties, with reference to the MDDG, to ensure that the proposed buildings do not cause any unacceptable impact on daylight, sunlight, outlook or privacy. While it is noted that there would be a significant change to these properties in terms of their view, that is not a material planning consideration. As stated earlier in this report, residential visual amenity is similar to LVIA assessments but falls outside the GLVIA3 considerations. There will certainly be a noticeable change in the views from neighbouring properties; however, there is no 'right' to a view in planning terms and as such is not a material planning consideration. The application proposes 2/2.5-storey residential development adjoining development of a similar scale and nature and this is not considered to result in any overbearing impact that would lead to an unacceptable development in terms of residential visual amenity.

Noise

5.10.4 The proposed residential use is not a significant noise-generating use and is appropriate in the Site's setting and neighbouring uses. While the residential use of the area would be intensified, it would not give way to any unacceptable noise or disturbance at operational stage taking into account the baseline vehicle movements and the uplift in vehicle movements.

5.10.5 Noise at construction stage would be controlled through national working hours, the Construction Environmental Management Plan (CEMP) (recommended to be secured by condition) and the Control of Pollution act, with the latter falling outside of Planning Legislation. While there would certainly be a perceived impact on the surrounding area, it would be temporary and the majority of the works would be separated from existing residential development and the cemetery.

Smell and Pollution

5.10.6 The proposed residential houses would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area. While there would be an uplift in vehicle trips associated with the proposed parking, the uplift in the number of vehicles using the road would not be at a level which results in a significant detrimental increase in emissions and the vehicles would use existing roads for access, with sufficient distance between the main routes used by new vehicles and existing buildings.

5.10.7 The Construction Management Plan condition on the Outline Permission would also include a requirement for dust management for protecting air quality.

Impact on Amenity Summary

5.10.8 Officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling. This complies with the relevant requirements of LDP Policy D1.

5.11 Transport, Access and Highway Safety

5.11.1 The application has been reviewed by ECC highways team, who support the proposal subject to conditions (set out in the list of conditions recommended to Members at the end of this Committee report) summarised below:

- Construction Management Plan
- Implementation of access arrangements, works and visibility splays for the accesses on West Street and North Road
- West Street pedestrian crossing
- Bus stop improvements
- Public Right of Way Nos. 4 and 17 upgrades
- Residential Travel Plan
- Residential Travel Packs

5.11.2 The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:

- A contribution of £450,000 to ECC towards improving public transport links between the site and other destinations in the area
- Annual Travel Plan monitoring fee of £1,817 (index linked) from first occupation until 1 year after final occupation

<u>Access</u>

5.11.3 The application proposes the provision of a primary vehicular access off West Street and a secondary access off North Road in the northeastern corner of the Site. Comments have raised that the North Road footpath is not high quality and is narrow in places – while this may be the case in some locations, the development provides an access off West Street which would be suitable for all users and can be relied upon. The North Road access provides an added level of accessibility in addition to this. Application 25/01057/OUTM amended their West Street vehicle access, resolving a previous clash which largely resulted in the previous application on this Site being withdrawn. ECC Highways (the Local Highway Authority) has advised that the access is not contrary to national or local highway/transportation policy, nor current safety criteria. The vehicle access arrangements into the Site are therefore acceptable.

5.11.4 Conditions have been recommended to secure the required highways works to implement the access points and the completion of proposed visibility splays. Representations have raised issues with the North Road access clashing with the proposed access in application ref 26/00161/OUTM, to the north of North Road. The Highways Authority have confirmed that they do not foresee any issue as there would be sufficient distance between the two accesses. There is a highways objection on application 26/00161/OUTM; however, it relates to other matters.

5.11.5 Multiple Public Rights of Way run through or adjacent to the Site. The application seeks to integrate these within the Site and proposes improvement works to PRoW Nos. 4 and 17, which run through the Site.

Highway Capacity

5.11.6 The Highway Authority has not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway or wider highway network is not expected to be significant or result in a 'severe' impact upon the highway.

5.11.7 There are multiple application sites of significant residential scale within Tollesbury that are currently under assessment:

Reference / Site	No. Dwellings	Planning Stage
25/00207/OUTM	Up to 26	Highways advise that a scheme of this size would not be assessed in relation to trip generation.
25/01057/OUTM	Up to 200	Committee resolved to grant planning permission subject to the completion of the S106 legal agreement.
26/00066/OUTM	149	Still under consideration. Appeal submitted.
26/00161/OUTM	24	Highways advise that a scheme of this size would not be assessed in relation to trip generation.

Table 3 - Significant development sites in the local area

5.11.8 NPPF Paragraph 116 states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*".

5.11.9 Following planning committee's resolution to grant permission for application ref 25/01057/OUTM (Land Opposite Prentice Hall) in June, Officers would recommend giving the following weight to other relevant applications:

- Moderate weight to 25/01057/OUTM following the committee resolution to grant.
- Very limited weight to the other three sites, given that they have no site allocation and no committee resolution minded to grant approval.

5.11.10 Notwithstanding the weight that should be attributed to the other nearby applications, the Applicant has submitted a Transport Addendum Note which undertakes sensitivity testing of traffic flow modelling which incorporates the impacts of both applications 25/01057/OUTM and 25/01057/OUTM at a projected rate of traffic for the year 2028 when development may be progressed.

5.11.11 The submitted modelling concludes that the relevant junctions would continue to operate with spare capacity even in a situation where all three developments were built out with the maximum number of dwellings proposed within the outline permissions.

5.11.12 The Road Safety Audit within the TA does not identify any issues with the local roads and finds that there would not be any significant impact on road safety.

5.11.13 Public representations have been received stating the traffic survey carried out on North Road (relied upon within the submitted TA) was conducted during a COVID-19 lockdown period. This is correct – the survey was undertaken between 22-28 April 2021, when the country was in a period of staged reopening of movement.

Clarification has been provided by the applicant and ECC Highways that the projected vehicle flows are based on a Manual Classified Count (MCC) was undertaken in May 2022 at the junction of West Street / North Road / High Street / Elysian Gardens junction.

5.11.14 Based on the comments of the Highway's Authority, the impact would not be significant enough to be detrimental to existing or future users and therefore would not lead to non-compliance with Local Plan Policies D1 and T2.

Parking

5.11.15 Layout is a reserved matter. Details of vehicle and cycle parking provision are therefore not a consideration within this assessment and will be provided at reserved matters stage. The provision will need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the adopted Vehicle Parking Standards SPD requirements. Conditions are recommended to secure these details as part of any reserved matters submission.

Transport, Access and Highway Safety Summary

5.11.16 While the development would require some reliance on private vehicles, Officers are satisfied that the Site is in a sustainable location and would not unacceptably impact on the surrounding highways network. Subject to the conditions referred to, the development would have an acceptable impact in terms of transport, access and highway safety, in accordance with Local Plan Policies D1, T1, T2 and I1.

5.12 Ecology and Biodiversity

5.12.1 The application is supported by an Ecology Walkover Assessment, Breeding bird report, Bat Survey, Preliminary Ecological Appraisal, Bat Activity Survey, Wintering bird survey report and Stage 1 Habitats Regulations Assessment (HRA).

5.12.2 Place Services Ecology have reviewed the submission documents and concluded that they do not object to the proposal, subject to the following conditions:

- Development carried out in accordance with the submitted ecological documents
- Construction Environmental Management Plan for Biodiversity
- Farmland Bird Compensation Strategy
- Biodiversity Enhancement Strategy
- Lighting Design Strategy for Biodiversity

Protected and Priority Species

5.12.3 A condition is required to secure the details within the Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025). This is in part to ensure that any trees with suitable features for bat roosting should be removed under the presence of a suitably qualified ecologist. A condition requiring external lighting to be sensitive to wildlife is also recommended, listed in Section 8 of this Committee report.

5.12.4 Mitigation measures for badger should be provided in the CEMP. This should include details of how impacts to badger will be avoided, informed by the results of an up-to

date badger survey. This should inform whether a badger licence will be required and is necessary to mitigation harm to badgers.

5.12.5 Four species of conservation bird were identified onsite, including Skylark. The habitats of highest ornithological value are the hedgerows, which will be almost entirely retained as well as extended, and the grassland in the northeast of the Site. Officers recommend that a Biodiversity Method Statement and Farmland Bird Compensation Strategy are required by condition, in order to address the impact and potential displacement.

5.12.6 In addition to mandatory 10 per cent Biodiversity Net Gain (BNG), other onsite biodiversity enhancements to habitats are proposed as a separate matter. The proposed enhancements include installation of bat boxes/ bricks on retained mature trees and integrated into the buildings and swift bricks and nest boxes for Priority species such as house sparrows, on the new buildings as recommended in the breeding bird report. Place Services advise that hedgehog highways in all new fencing (13 by 13cm) and the creation of log piles for invertebrates and reptiles should be provided. These details are recommended to be secured by a planning condition.

5.12.7 Subject to conditions, including proposed mitigation measures for nesting birds, reptiles and terrestrial mammals, the application would have an acceptable impact on protected and Priority species, in accordance with Local Plan Policy N2 and the NPPF.

<u>Trees and Hedges</u>

5.12.8 There are no onsite trees that are subject to a TPO or are protected by way of being inside a conservation area. There are no Veteran Trees or any Ancient Woodland onsite.

5.12.9 The application is supported by an Arboricultural Impact Assessment (AIA) compiled by Wardell Armstrong, which has been reviewed by the Place Services Tree Team. The submission proposes the removal of areas of uncategorised hedge, one low value tree and one moderate value tree to facilitate construction. There are several other areas of trees requiring pruning or works within identified Root Protection Areas.

5.12.10 The Tree Team have flagged issues with the scale of plans and the contents of Table 3 within the submitted AIA. They advise that the identified impact can be mitigated and therefore there is no objection; however, require the submission of an updated Arboricultural Method Statement (AMS) at reserved matters stage which provides more clarity on these matters, to ensure a fully robust assessment can be made.

5.12.11 Subject to the recommended conditions, Officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N1.

<u>Protected Lanes</u>

5.12.12 Colchester Road is a protected lane, identified as such within the Local Plan. The Appendix classifies protected lanes as "*an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and the relationship of features within it over time. They have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats, and allow*

people to access historic landmarks and landscapes, encouraging recreation within the countryside".

5.12.13 The protected lane is not addressed in the TA, as this relates to an ecological designation. The TA does project a significant increase in vehicles using this route. There would not be any significant impact on the Protected Lane, in accordance with Local Plan Policy N1.

European and Other Designated Sites

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

5.12.15 The LPA is therefore required to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

5.12.16 Natural England has reviewed the submitted HRA which was produced by the applicant. Maldon District Council, as the competent authority, has reviewed this HRA and agrees with the findings, therefore adopting it within the assessment of this application.

5.12.17 To accord with NE requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

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

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

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 159 houses**

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

Summary of Appropriate Assessment

5.12.18 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures and the payment of RAMS contributions to mitigate any adverse effects on the protected sites through increased recreational use resulting from the proposed development. This stance is supported by NE subject to the proposed mitigation.

5.12.19 Subject to the above measures and planning obligations, Officers are satisfied that the proposal would not result in an adverse impact on any European or other protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1.

5.13 **Drainage and Flood Risk**

Tidal/Fluvial Flood Risk

5.13.1 The site is wholly located within Flood Zone 1, which has a less than 1 in 1000 annual probability of flooding from rivers or the sea sources. The proposed residential use is appropriate in this Flood Zone. There are no concerns relating to tidal or fluvial flood risk.

Surface Water Drainage

5.13.2 While layout is a reserved matter, a Flood Risk Assessment and Drainage Strategy (FRADS) document has been submitted, prepared by Wardell Armstrong. This was followed up by a further Technical Note.

5.13.3 The FRADS includes soakaway testing, which has informed the location of two large drainage basins within the north of the Site. Each would serve one of two catchment areas which have been identified, via onsite surface water sewers. There are no nearby watercourses, meaning the basin would need to discharge to a sewer. Permeable paving will be utilised to assist with water quality treatment and interception storage across the Site. The Lead Local Flood Authority (LLFA), which is ECC, is supportive of the proposal subject to detail at reserved matters stage and the following conditions:

- Surface Water Drainage Scheme (to meet multiple requirements that are specified within the recommended condition, including limiting discharge rates, provision of sufficient storage and appropriate treatment of water prior to it leaving the site)
- Scheme to minimise offsite flooding during construction works

5.13.4 The following conditions were not requested, but Officers recommend imposing them in order to require adequate maintenance of the drainage scheme, in line with the approach taken on more recent sites for similar development.

- Maintenance plan
- Maintaining annual logs of maintenance

5.13.5 Anglian Water (AW) advise that the proposed method of surface water management does not relate to AW operated assets; however, do note that the application states that the sustainable drainage scheme may be adopted by AW. The applicant is encouraged to engage with AW at the earliest opportunity to ensure that the design is appropriate. Officers recommend an informative advising of this.

5.13.6 The updated Government flood mapping shows an area in the south of the Site, directly adjacent to No. 80 West Street highlighted as future surface water flood risk zone. The location is in the residential land use area; however, the layout of the scheme can be designed to avoid built footprint in that area. The indicative masterplan shows this area as private residential garden. There would be no escape routes in that area. The application is supported by the LLFA and an updated Surface Water Drainage Scheme will manage surface water in line with appropriate greenfield run off rates and can include measures of resilience to the potential flood depth. Officers therefore have no concerns regarding the area of surface water flooding and

do not consider a sequential test necessary, in accordance with NPPF Paragraph 175 and Paragraph 027 of the Flood Risk and Coastal Change PPG.

Foul Drainage

5.13.7 AW has advised that there is headroom for receiving Water Recycling Centres (WRCs) to accommodate the proposed increase in flows.

5.13.8 AW has however objected in relation to the development connecting to their foul network due to capacity constraints and pollution risk, stating that the applicant must overcome this objection by engaging with AW to establish a Sustainable Point of Connection. This consultation response reflects a time when AW were objecting to new development on this issue, which has changed as evidenced by their responses on the other live residential applications in Tollesbury. AW has requested that if the LPA is minded to approve the application, a condition requiring a Foul Water Strategy (to include details of the Sustainable Point of Connection) be submitted prior to the commencement of any development. Taking into account the requirements of the condition (in addition to AW's acknowledgement of their statutory duty and lack of objection on subsequent applications nearby), Officers are satisfied that foul drainage would be adequately addressed prior to any development commencing and thereby circumventing any harmful impacts.

Drainage Infrastructure

5.13.9 AW advises that they have assets which may be impacted by the development and have requested an informative be added to permission if granted, notifying the developer of their duty to divert sewers.

Drainage and Flood Risk

5.13.10 Subject to the submission of acceptable reserved matters and details in relation to the conditions stated within this report section, Officers are satisfied that the proposal would not have any unacceptable risk in relation to flooding or drainage, in accordance with Local Plan Policies D1 and D5.

5.14 **Minerals and Waste**

5.14.1 The application would not have any unacceptable impact on minerals resources or infrastructure, supported by comments from the ECC minerals and waste team.

- The Site is located within a Sand and Gravel Mineral Safeguarding Area (MSA). ECC Minerals and Waste Planning have advised that while the area of the Site is in excess of the 5ha threshold where local resource safeguarding provisions are applied, a 100m standoff to zone to the facades of existing housing would make the vast majority of the Site unworkable for minerals, resulting in a realistic extraction area below the 5ha threshold and removing the need for the submission of a Minerals Resource Assessment (MRA).
- The application site does not pass through a Mineral Consultation Area (MCA) and would not impact on any existing minerals assets or sites. Therefore, a Mineral Infrastructure Impact Assessment (MIIA) would not be required.
- The application site does not pass through a Waste Consultation Area (WCA) and would not impact on any existing waste sites. Therefore, a Waste Infrastructure Impact Assessment (WIIA) is not required

5.14.2 The development would have an acceptable impact on minerals and waste, in accordance with Policies S4 and S8 of the Minerals Local Plan.

5.15 **Education Infrastructure**

5.15.1 The proposed development would increase the number of residents living locally, which would result in increased demand on local schools. The ECC education department has provided comments and do not object to the application, subject to the identified mitigation as follows:

- Early years childcare financial contribution of £286,043, index linked to Q3 2024
- Secondary school contribution of £874,246, index linked to Q3 2024
- Secondary school transport contribution of £189,114.60 index linked to 2Q 2023
- Libraries financial contribution of £12,370.20, index linked to April 2020
- Employment and Skills Plan
- A £700 monitoring fee per obligation (£3,500 total)

5.15.2 The contributions as set out above shall be secured through a S106 legal agreement and these will mitigate the impact of the development.

5.16 **Health**

<u>Health Impact Assessment and Healthcare Infrastructure</u>

5.16.1 In accordance with Local Plan Policy I2, the submitted HIA, concludes that the development would have a neutral/positive health impact. This is partly achieved through the provision of new high-quality homes in a sustainable location, green infrastructure and public open space. While it is understood that the local GP services do not have sufficient capacity, the NHS have advised that a financial contribution to the sum of £78,700 will mitigate the impact of the additional demand for floorspace.

5.16.2 Essex Police and the Essex County Fire and Rescue Department have made recommendations to be taken into account within the detailed layout (which would be submitted at reserved matters stage) to prevent crime and foster safe environments through the design of the scheme. This will feed into building orientation, public landscaping and public lighting, as well as the provision of fire-fighting appropriate water hydrants. Informatives are recommended, drawing the applicant's attention to these comments.

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

5.17 **Air Quality**

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

5.17.2 The submitted AQA concludes a very low risk of significant adverse impacts on air quality from the operational phase – this is agreed by Officers, given the proposed residential use does not generate significant air pollution levels. The Council's Environmental Health Team advise that adverse impacts from the construction phase can be managed through best practice, secured by a construction environmental management plan condition which Officers have recommended.

5.17.3 Subject to the recommended conditions, Officers are satisfied that the application would have an acceptable impact on air quality, in accordance with Local Plan Policies D1, D2 and Paragraph 199 of the NPPF.

5.18 **Land Contamination**

5.18.1 The application is supported by a Phase 1 Geo-Environmental Desk Study which has identified a generally 'low' risk of potential contamination, but does identify 'moderate to low' risk associated with offsite land uses including a petrol filling station. The Council's environmental health team recommend a condition to secure further limited intrusive ground investigation to assess the risks and identify any remediation measures where necessary.

5.18.2 Subject to these conditions, Officers are satisfied that the proposal is acceptable in terms of land contamination risk, in accordance with the relevant part of Local Plan Policy D2 and Paragraph 196(a) of the NPPF.

5.19 **Energy and Sustainability**

5.19.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that "*development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate*".

5.19.2 The submitted Energy and Sustainability Statement, produced by Daedalus Environmental, includes the following proposed sustainable design elements:

- Energy efficient building fabrics and design to manage heat loss and manage overheating
- Air source heat pumps providing heating and hot water
- Photovoltaic panels to be installed where suitable
- Efficient water fixtures to meet a 110 litres per person per day target
- Electric vehicle charging point for each dwelling.
- Waste managed through the Waste Hierarchy

5.19.3 As the application is outline, Officers recommend securing details of sustainable fabrics and sustainable energy generation by planning condition. Subject to this condition, the development would incorporate acceptable measures to make the development energy efficient and sustainable.

5.20 **Biodiversity Net Gain (BNG)**

5.20.1 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent BNG. The BNG PPG sets out how mandatory biodiversity net gains should be applied through the planning process.

5.20.2 Place Services Ecology have reviewed the submitted BNG documents, including the Metric, and advise that the development would comply with the 10 per cent mandatory gain. Due to there being significant onsite enhancements, a Habitat Management and Monitoring Plan (HMMP) is recommended to be secured through a planning condition in Section 8 of this Committee report.

5.21 **Planning Obligations**

5.21.1 The applicant has confirmed that they are willing to enter into a S106 legal agreement which would be bound to the permission if granted, to include the following planning obligations:

- Affordable Housing Scheme, including:
  - provision of at least 40 per cent affordable housing
  - tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - provision of at least 75 per cent social rent within the affordable rent portion.
  - a tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £450,000
- Education contributions including:
  - early years childcare financial contribution of £286,043, index linked to Q3 2024
  - secondary education financial contribution of £874,246, index linked to Q3 2024
  - secondary school transport contribution of £189,114.60, index linked to Q2 2023
  - libraries financial contribution of £12,370.20, index linked to April 2020
  - Employment and Skills Plan
  - a £700 monitoring fee per obligation (£3,500 total)
- Essex Coat RAMS contribution of £175.55 per dwelling (up to £ 27,912.45 total).
  - Provision of 3.6ha SANG
  - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
  - On-site open space facilities which include dog waste bins and interpretation boards.
  - Homeowner information packs to new residents.
  - The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £78,700

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

5.22 **Planning Balance**

5.22.1 In judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.

Heritage Assessment

5.22.2 NPPF Paragraph 215 states that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".

5.22.3 The proposal would result in a low level of less than substantial harm to Tollesbury Conservation Area and the Grade II 76 West Street. There would be a limited harm to the NDHA Protected Lane. Conducting an assessment per NPPF Paragraphs 215 and 216, the public benefits of the proposal (as outlined in this committee report) are considered to greatly outweigh the two instances of less than substantial harm at a low level.

Presumption in Favour of Sustainable Development

5.22.4 As stated earlier in this committee report, the housing policies of the Local Plan must be considered out-of-date due to the lack of a 5YHLS. The application must be determined under the presumption in favour of sustainable development, in Paragraph 11(d).

5.22.5 To recap, NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9]."

5.22.6 Paragraph 11(d)(i) directs authorities to refuse applications where the policies within the Framework (NPPF) referred to in Footnote 7 provide a strong reason for refusal of the development. Footnote 7 lists these as:

- habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest
- land designated as Green Belt, Local Green Space
- a National Landscape
- a National Park (or within the Broads Authority) or defined as Heritage Coast
- irreplaceable habitats
- designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)

- areas at risk of flooding or coastal change

5.22.7 As detailed in this Committee report, Officers do not consider there to be any strong reason for refusal under any of the policies referred to in Footnote 7 (above).

5.22.8 The NPPF therefore directs the decision-maker to sub-paragraph 11(d)(ii) – this is often referred to as the 'tilted balance' because it tilts the decision towards an approval. It dictates that planning permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*". It also places particular regard to key policies for directing development to sustainable locations in Footnote 9.

<u>Benefits of the Proposal</u>

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

- **Social Benefits**
  - The provision of 159 homes within the District, with a pressing need for new homes, as evidenced by the lack of a 5YHLS. This includes 40 per cent of units as affordable homes. Officers give this benefit significant weight.
  - New communal open space (including the SANG in the west of the Site) and children's play space which would benefit future occupiers of the development but also residents outside the Site boundary. Officers give this benefit moderate weight.
- **Economic Benefits**
  - There would be some benefits in terms of job creation during the construction phase; however, this is a relatively short-term benefit. Officers give this benefit moderate weight.
  - Future occupiers would utilise local facilities, improving the viability of these businesses. Officers give this benefit moderate weight.
- **Environmental Benefits**
  - Creation of c. 3.6ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 20.9 per cent habitat units and 47.33 per cent hedgerow units, which is above the 10 per cent mandatory national requirement. This makes a large improvement to open space offer in the surrounding area and contributes to mitigation of impacts on nearby protected sites and protected species habitats. Officers give this benefit moderate weight.
  - Improvements to pedestrian links on Footpaths 4 and 17 within the site. Officers give limited weight to this benefit.
  - The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use Air Source Heat Pumps and solar photovoltaic panels to utilise sustainable energy generation within the development. This approach aligns with national sustainability aims and Officers give this benefit moderate weight.

Adverse Impacts of the Proposal

5.22.10 The application has been assessed against the relevant policies of the development plan. The main harms resulting from the proposed the development are:

- Development located outside of the settlement boundary, failing to accord with the spatial strategy of the Local Plan; however, given the lack of a 5YHLS resulting in the relevant policies being considered out of date, Officers give limited weight to this harm.
- The proposal would establish built form on an open greenfield site, which Officers consider to result in would result in 'major/moderate' adverse landscape effects to the immediate context/local landscape setting and up to 'major/moderate adverse' visual effect. Noting the magnitude of the adverse impacts identified, Officers give this harm significant weight.
- Loss of 9.24ha of agricultural land. Noting the large amount of grade 3 agricultural land within the District, Officers give limited weight to this harm.
- A low level of less than substantial harm to the Tollesbury Conservation Area and the grade II listed 76 West Street and a limited harm to the NDHA Protected Lane Colchester Road.

Planning Balance

5.22.11 The current assessment is made in the context NPPF Paragraph 11(d), where permission should be refused it "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*.

5.22.12 Officers have weighed up the benefits and adverse impacts of the proposal within the context of the NPPF, concluding that the adverse impacts would not significantly and demonstrably outweigh the benefits of the provision of 159 dwellings while the Council cannot demonstrate a Five-Year Housing Land Supply.

5.22.13 This conclusion is made giving moderate weight to application ref 25/01057/OUTM and limited weight to application ref 26/00066/OUTM, the other relevant live housing applications within Tollesbury.

5.22.14 Officers therefore recommend that planning permission should be granted.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
23/01160/OUTM	Outline planning application with all matters reserved except access for up to 159 residential dwellings (Use Class C3), including 40% affordable housing, pre-school (Use Class E(f) and F1(a)), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, suitable alternative natural greenspace (SANG) and sustainable drainage.	Withdrawn 03.04.2024

Application Number	Description	Decision
23/00434/SCR	Request for EIA Screening Opinion in relation to a proposal for up to 159 dwellings, road link, ancillary infrastructure, public open space, play space and sustainable drainage.	Development not EIA 2nd June 2023

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	**Object** for the following reasons: • There has been no real engagement with the Parish Council, no trust or transparency. • The surge in recent homes in Tollesbury in addition to other applications would unravel the social fabric. • Two Housing Needs Surveys (conducted by the RCCE in 2017 and 2023) have indicated that development in the village should not exceed 50 houses. • The development would harm the natural, built and historic environment, including the Tollesbury Conservation Area. • The development should be suitably scaled and include community-led housing. • The development should have a phased approach of smaller clustered buildings. • It would result in overdevelopment of the site without sufficient infrastructure, placing strain on existing infrastructure and services. • The proposed location in the north-west quadrant of the village is consistent with the draft Tollesbury Neighbourhood Plan.	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	However, the scale of the development is not. • No provision has been made for Community-Led Homes, despite it being the stated intention of the Parish Council to instigate a Community Land Trust for the purpose. • Primary school children would need to be transported to schools. • Social cohesion would be harmed in the long-established local community. • A further concern for the scale of a development in that location is that the primary school children would need to be transported to school either in Tollesbury or Tolleshunt D'Arcy, as stated in Essex County Council's education consultation. • A development of this scale and pace puts at risk the social cohesion of a harmonious and long-established local community. • Plume School will benefit from an extension but does not benefit from funded transport, which would place the burden on parents. • The capacity of the local sewage treatment works is widely acknowledged to be under stress. • The development negatively impacts the green entrance to Tollesbury. • Irreversible destruction of farmland – sustainable food production is essential. • Tollesbury is at the end of a peninsula and is a uniquely remote location. The village is regularly gridlocked and there is no scope to	

Name of Parish / Town Council	Comment	Officer Response
	accommodate further vehicles. • Back Road, Chapel Road and Colchester Road should have width restrictions and a 7.5 ton weight restriction. • There are no sustainable transport options in Tollesbury, with inadequate public transport and inadequate cycleways and footpaths. They are also unsafe for some pedestrians and cyclists. • It would obliterate the Romano/British archaeological site, resulting in a huge heritage harm.	
Tolleshunt D'Arcy Parish Council (Neighbouring Parish Council)	**Object** for the following reasons: • Tolleshunt D'Arcy already has an existing traffic problem and potentially an additional 318 cars would further impact this issue, exacerbated by delivery vehicles and limited employment opportunities in Tollesbury. This is also exacerbated by recent approvals in Tolleshunt D'Arcy. • The surrounding road network is unsafe and users speed dangerously. • It is likely that users of the access in North Road would drive via Chapel Road/Back Road and this road is not suitable for increased traffic numbers. • Tolleshunt D'Arcy residents use services and facilities in Tollesbury, which are already oversubscribed.	These comments are responded to where relevant within this committee report.

7.2 **Statutory Consultees and Other Organisations** (*summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	**No comment**, standing advice should be followed.	Noted
Arboricultural Officer (Place Services)	**No objection**, subject to the following conditions: • Details on tree retention and protection measures.	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	**No objection**, subject to the following conditions: • Phased Scheme of Archaeological investigation	Conditions added to Section 8 of this report.
Anglian Water	**Objection** due to a lack of capacity for foul water flows; however, if the Council is minded to approve the application the following condition is requested: • Strategic Foul Water Strategy.	Noted. In light of more recent comments in the area and noting t the statutory duty of the provider, officers have added the condition in Section 8 of this report.
Ecology (Place Services)	**No objection**, subject to the following conditions: • Development carried out in accordance with the submitted ecological documents • Construction Environmental Management Plan for Biodiversity • Farmland Bird Compensation Strategy • Biodiversity Enhancement Strategy • Lighting Design Strategy for Biodiversity Essex Coast RAMS should be secured in accordance with the SPD.	Noted and conditions added to Section 8 of this report.
Education (ECC)	**No objection**, subject to financial contributions to education services.	Contributions recommended as part of a S106 legal agreement Heads of Terms.

APPENDIX 1

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue Service	**Advice provided** in relation to road surfaces and water suppression. There is an excessive distance to the nearest existing statutory fire hydrate – additional hydrants should therefore be installed within the site. If the development is approved, the service will liaise with the local water provider to ensure that all necessary fire hydrants are provided.	Noted. Informative added.
Essex Police – Designing Out Crime	**Advice provided** on design provided. Welcome the opportunity to discuss the design with the applicant.	Noted. Informative added.
Highways Authority (ECC)	**No objection**, subject to the following conditions (and informatives also requested but not listed): • Construction Management Plan • Implementation of access arrangements (both vehicle accesses) • Implementation of visibility splays (both vehicle accesses) • West Street pedestrian crossing • Bus stop improvements • Public Right of Way Nos. 4 and 17 upgrades • Residential Travel Plan • Residential Travel Packs The following were requested as planning obligations on the s106 legal agreement: • A contribution of £450,000 to Essex County Council towards improving public transport links • Annual Travel Plan monitoring fee of £1,817 (index linked) until 1 year after final occupation	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flooding Authority (LLFA) (ECC SUDS)	**No objection**, subject to the following conditions (and informatives also requested but not listed): • Detailed surface water drainage scheme. • Measures to minimise the risk of offsite flooding.	Conditions added to Section 8 of this report.
Minerals & Waste Planning (ECC)	**No objection**	Noted.
Natural England	**No Objection.** The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.	Noted.
National Health Service Property	**No objection**, subject to a financial contributions of £78,700 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.

7.3 **Internal Consultees** (*summarised)*

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	The proposal would result in a very low level of less than substantial harm to the significance of Grade II listed 76 West Street.	Noted.
Environmental Health Officer	**No objection** subject to the following conditions: • Construction Environmental Management Plan (CEMP) • Phase 2 Contaminated Land Investigation	Condition added to Section 8 of this report.
Housing (MDC)	**No objection.**	Noted
Principle Place Officer	**No objection in principle**, design advice given.	Design advice taken into account where relevant in considerations including where comments from statutory consultees is also applied.

7.4 **Site Notice / Advertisement**

7.4.1 A press notice was published on 1 May 2025. Site notices were placed near the Site on 30 April 2025. The public consultation period ended on 20 May 2025.

7.5 **Representations received from Interested Parties** (*summarised)*

7.5.1 **724** public representations were received **objecting** to the application at the time of this committee report being published and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Principle of development • The development is in an inappropriate rural location which is outside the settlement boundary. • Tollesbury; and it expects only 100 houses on "Windfall Sites" over 5 years in the whole District; Tollesbury already has 2 sites with planning granted for 42 dwellings. • The presumption in favour of sustainable development should not be applied. • The Local Plan does not support development outside of settlement boundaries where the intrinsic character and beauty of the countryside is impacted. • Housing should be developed for need not profit. • Developments this size should be 'plan led' so that it does not conflict with policy. • Under the previous government many councils failed to maintain a 5YHLS. Maldon District Council succeeded in reaching theirs and is now reacting in a way that is not protecting the rural communities and heritage assets of the district. • Although Maldon District Council's 5 Year Housing Land Supply has much reduced, as pointed out by the developer, this is only due to national policy changes. • The boundary does not match the Call For Sites. • The Housing Needs Survey carried out by RCCE on behalf of Tollesbury Parish Council states what this village needs and it's not 159 houses. • Removal of productive farmland which would be permanently lost and weakening of food security.	Responses to matters relating to the principle of development are provided within the Principle of Development section or other section of this Committee report where relevant.

Objection Comment	Officer Response
<u>Sustainability of the Site</u> • The development would rely on private motor vehicles for trips, which is against the sustainable aims of the Local Plan. • The local bus service is unreliable, has a service every 2 hours and does not operate at night. • There is a lack of local employment opportunities which will result in additional commuting and deliveries. • There is no safe walking or cycling route to anywhere outside Tollesbury. • The railway station is 9 miles away.	Responses to these matters are provided within the Principle of Development section of this Committee report.
<u>Design and Landscape/Townscape Impact</u> • The development would change the character of the area and does not reflect linear growth as specified in the Design and Access Statement. • The design would appear as suburban block development. • The village has historically grown to the east. • This development has a higher density than the village average. The higher density areas identified in the DAS contain some areas with flats, which skews the numbers • The development does not add to the overall quality of the area, nor is it sympathetic to the character and historic setting of the village. • The Local Plan states that development must protect the amenity of surrounding areas • The West Street houses and the footpath to the South of the site have an open outlook across this land to the river Blackwater. Building houses here will remove the amenity.	Responses to these matters are provided within the Landscape and Visual Impact, Layout and Design, and Open Space, Landscaping and Children's Play Space sections of this report.
<u>Access, Highways and Parking</u> • The proposed North Road access would clash with the proposal in application ref 26/00161/OUTM. • There would be risk from supermarket lorries doing home deliveries. • The Transport Assessment uses out of date data and is incorrect. The traffic survey on North Rd carried out in 2021 was during the Covid	Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.

Objection Comment	Officer Response
lock-down periods and does not reflect accurately traffic volumes. • This number of extra houses would mean at least 159 extra cars in and around the village (1 per household) but more likely nearer 240 as some households will have 2 cars. • Residents would use their cars to go into the village centre, increasing traffic and parking stress. • The Transport Assessment tries to mitigate the unsafe North Road access by creating a junction on the bend by cutting back hedgerows, re-grassing verges. There is no mention of ongoing maintenance of those hedgerows or verges. Eventually the hedges will grow and visibility will be impaired. • The development does not consider the impacts of working from home and online shopping. • The development does not confirm that every property would have EV charging. • Walking distances given in the submission are not accurate. • North Road and West street pedestrian accesses would have insufficient width. High Street footways are unacceptably narrow. • Is there a need for the North Road entrance. • There is no indication of how far vegetation will be cut back on visibility splays. • Back Road has no cycle path or street lighting. • Chapel Road is not the preferred route to Tolleshunt D'Arcy or Colchester for most people. The vast majority of cars will go via Colchester Road, which is a protected lane and is also used by horse riders. This is not addressed and the rare road should be protected.	
<u>Natural environment</u> • The development would destroy the habitat for protected birds (including red conservation status birds), small mammals and insects. • Colchester Road is a protected lane and would be impacted on.	Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.

Objection Comment	Officer Response
• The wildlife and natural habitat will undoubtedly suffer due to the increased noise and traffic flow. • The development does not secure any RAMS monitoring fees. • The Tree Protection Plan BM12385-008 rev D is the same one that was submitted in 2023, have the trees not grown since then?	
<u>Heritage Impact</u> • The development would negatively impact on the Tollesbury Conservation Area. • The developer has suggested installing a new bus shelter, which should be considered in terms of heritage impact to grade II listed No. 76 West Street. • The development would harm critical archaeological assets.	Responses to matters relating to these matters are provided within the Heritage Impact Section.
<u>Amenity Impact</u> • Residents in the development would install garden and security lighting, which results in light pollution. • The tranquil area would not be protected, due to the construction of a housing estate on a quiet field. • There would be an unacceptable loss of outlook and visual amenity from existing homes.	Responses to matters relating to these matters are provided within the Impacts on Amenity Section.
<u>Infrastructure and Services</u> • The development would place additional stress on local medical facilities, with an 8% increase to the village population. Other comments have stated a 13% increase. • Increased stress on water facilities. • High levels of bacteria have been found in waters surrounding the sewage works outlet. • Local schools do not have capacity, with the development adding more stress. This would result in vehicle trips to schools. • The school in Tolleshunt D'Arcy is a CofE school, so not an option for some families. The development would therefore reduce parental choice. The admissions would prioritise children from villages that do not include Tollesbury. • The impact of development growth on waste and recycling should be mitigated.	Responses to matters relating to these matters are provided within the relevant sections of this report, considered to be acceptable subject to the various infrastructure contributions which are laid out in the S106 Heads of Terms.

Objection Comment	Officer Response
• Thurstable School is closer but now has no Sixth Form. • There are no large shops in Tollesbury. • There would be increased school transport costs to ECC.	
<u>Other Matters</u> • Submission documents do not contain accurate or sufficient information. • The applicant undertook a survey, which shows that residents were not in favour of the development. There has been no communication with residents about the current application.	The application is supported by a Statement of Community Involvement (SCI) and the Local Planning Authority has carried out public consultation in accordance with statutory and local requirements. Public representations have been considered by officers and responses provided where relevant in this Committee report.
• Allowing this application would open the floodgates for others to overdevelop Tollesbury.	Every planning application must be considered on its merits at the time of consideration, with due weight given to any relevant other applications as has been conducted in this Committee report.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
  - A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £450,000
- Education contributions including:
  - Early years childcare financial contribution of £286,043, index linked to Q3 2024
  - Secondary education financial contribution of £874,246, index linked to Q3 2024

- Secondary school transport contribution of £189,114.60, index linked to Q2 2023
- Libraries financial contribution of £12,370.20, index linked to April 2020
- Employment and Skills Plan
- A £700 monitoring fee per obligation (£3,500 total)

- Essex Coat RAMS contribution of £175.55 per dwelling (up to £ 27,912.45 total).
  - Provision of 3.6ha Suitable Alternative Natural Green Space (SANG)
  - A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace
  - On-site open space facilities which include dog waste bins and interpretation boards.
  - Homeowner information packs to new residents. The long-term maintenance and management of these provisions secured in-perpetuity.
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £78,700

PROPOSED CONDITIONS

1 Outstanding Reserved Matters
The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters.

2 Reserved Matters Time Limit
Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 Outline Permission Commencement Time Limit
The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 Approved Plans and Parameter Plans
The reserved matters submitted pursuant to Condition 1 of this permission shall be submitted in accordance with the details set out in the following approved plans:
- TOR-PP-001 Land Use Plan, received 23/07/2026
- TOR-PP-002 Rev A Building Heights Plan, received 23/07/2026

- TOR-PP-003 Site Location Plan
- TOR-PP-005 Rev A Open Space Parameter Plan

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

5 Housing Unit Size Mix

The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

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

6 Soft and Hard Landscaping Scheme

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

a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.

b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.

c) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

7 Tree Retention and Protection

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

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The tree protection measures shall be carried out in accordance with the approved details and any protective fencing and ground protection shall be implemented prior to the commencement of construction works and retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.
REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

8 Site Levels

No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan (2017).

9 Construction Environmental Management Plan (CEMP)

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

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

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

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

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

10 Primary Site Access Visibility Splays

Prior to first occupation of any dwelling in the development hereby approved, the primary site access on the B1023 West Street shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-007 Rev O'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.
REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

11 Primary Site Access Works

Prior to the first occupation of any dwelling in the development hereby approved, details of the access arrangements and off-site highway works for the primary site access on West Street, as shown in principle on i-Transport's Drawing 'ITB15549-GA-007 Rev O', shall be fully implemented and then maintained and retained as such for the life of the development. Prior to commencement of the development all details as listed below shall be submitted to and approved in writing with the Local Planning Authority, including:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the western side of the proposed access road and a segregated 5m footway / cycleway on the eastern side;
- A 2 metres footway on the north side of West Street linking the proposed site access road with Public Footpath no 3 to the west of the site;
- A 4 metre wide segregated footway / cycleway on the north side of West Street to link with a new dropped kerb crossing (together with tactile paving) of West Street to the east of the site access;
- Extension of the 30mph speed limit to the west of the site entrance (with precise location to be agreed with the Highway Authority) and provide a new gateway feature with appropriate signing and line markings as necessary;

- In addition to the above, provision of a 3m shared use pedestrian footway / cycleway running from the aforementioned crossing of West Street to the east of the site access, along the southern side of West Street for approximately 230m, with appropriate signing, lining and tactile paving.

The approved details shall be implemented in full, prior to the first occupation of any dwelling hereby approved, and retained as such for the life of the development.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

12 Secondary Site Access Visibility Splays
Prior to first occupation of any dwelling in the development hereby approved, the secondary site access on North Road shall be provided with visibility splays as shown in i-Transport's Drawing 'ITB15549-GA-002 Rev H'. The visibility splays shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.
REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway safety and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

13 Secondary Site Access Works
Prior to the first occupation of any dwelling in the development hereby approved, the access arrangements and off-site highway works for the secondary site access on North Road, as shown in principle on i-Transport's Drawing 'ITB15549-GA-002 Rev H', shall be fully implemented and then maintained and retained as such for the life of the development. Prior to commencement of the development all details as listed below shall be submitted to and approved in writing with the Local Planning Authority, including:

- Subject to approval by Essex Highways, a dropped kerb crossing together with tactile paving at the bellmouth of the proposed site access junction;
- A 2 metre footway on the southern side of the proposed access to connect with the existing pedestrian facility on North Road and leading into the proposed segregated 5m footway / cycleway within the site;
- Vegetation clearance and carriageway widening of North Road together with advance warning signs of the proposed site access.

The approved details shall be implemented in full, prior to the first occupation of any dwelling hereby approved, and retained as such for the life of the development.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

14 Bus Stop Improvements

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

- Provision of painted new bus cage, raised kerbs, pole and flag with timetable display on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary and dropped kerb (together with tactile paving) of the access to 76a West Street;
- Provision of a painted new bus cage, shelter, raised kerbs, pole and flag with timetable display on the southern side of West Street, for westbound buses, with appropriate footway and hardstanding as necessary;
- Provision of a freestanding Real Time Passenger Information sign at 'The Square' bus stop on the southern side of the High Street.

The bus stop improvements shall be implemented prior to the first occupation of any dwelling within the development hereby approved.
REASON To encourage trips by public transport and in the interest of accessibility and ensure an acceptable impact on townscape and heritage assets, in accordance with Policies S1, D1, D3, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

15 West Street Crossing

Prior to first occupation of any dwelling in the development hereby approved, and as shown in principle in Drawing 'ITB15549-GA-014' of the Transport Assessment, the developer shall provide dropped kerb crossings together with tactile paving on West Street at its junction with North Road and Elysian Gardens. The crossing shall be retained and maintained in accordance with the approved drawing for the lifetime of the development.
REASON To provide pedestrians and the mobility impaired with safe accessibility to the centre of Tollesbury, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

16 Public Footpath Works

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath Nos. 4 and 17 (Tollesbury parish) within the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be implemented in accordance with the approved details, prior to the first occupation of any residential dwelling hereby permitted.
REASON To ensure the continued safe passage of the public on the definitive right of way and provide safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

17 Travel Plan

Prior to the first occupation of the proposed development, the Developer shall submit an updated residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation.
REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

18 Residential Travel Packs

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

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

19 Car Parking

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

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

20 Cycle Parking

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

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

21 External Materials

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

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

22 Boundary Treatment

Concurrently with the submission of reserved matters pursuant to Condition 1 of this permission, details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

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

23 Surface Water Drainage Scheme

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

- Limiting discharge rates to 1.12l/s/ha for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall be implemented prior to the first occupation of any dwelling hereby permitted and then retained and maintained throughout the lifetime of the development.

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

24 Offsite Flooding

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

REASON To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies

D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

25 Surface Water Drainage Maintenance Scheme

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

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

26 Surface Water Drainage Maintenance Logs

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

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

27 Foul Water Strategy

No development shall commence until a Strategic Foul Water Strategy has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Anglian Water. The strategy shall identify a Sustainable Point of Connection to the public foul network.

Prior to occupation, the Strategic Foul Water Strategy shall be fully carried out in complete accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby approved,

REASON To protect water quality, prevent pollution and secure sustainable development in accordance with Policy D5 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

28 Archaeology Phased Programme of Archaeological Investigation

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including aerial photographic rectification, geophysical survey and archaeological trial trenching has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted in writing by the applicant, for written approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by t Local Planning Authority has been approved.

(3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Local Planning Authority.

(5) The applicant shall submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall submitted within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

29 Phase 2 Contaminated Land Investigation

Prior to the commencement of any development hereby approved, a Phase 2 intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The investigation shall include timescales and phasing of remediation works and the following:

(i) A survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- a) Human health,
- b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
- c) Adjoining land,
- d) Groundwaters and surface waters,
- e) Ecological systems
- f) Archaeological sites and ancient monuments;

(iii) An appraisal of remediation options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works.

This investigation shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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

30 Remediation Strategy

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

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

31 Verification Report

Prior to the first occupation of any dwelling hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority, confirming that any approved remediation works have been satisfactorily completed.
REASON To confirm that the site is suitable for residential use and does not pose a risk to human health or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

32 Public Open Space Provision

A scheme for the proposed area of public open space shall be submitted in writing to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The details shall be broadly in accordance with the 'TOR-PP-005 Rev A Open Space Parameter Plan'. The development shall be carried out only in accordance with the approved details.
REASON To ensure sufficient amenity space is provided to future occupiers and to mitigate visual impact on the surrounding area, in accordance with Policy D1 of the adopted Maldon District Local Development Plan.

33 Public Open Space Management

Prior to the first occupation of any residential unit hereby permitted, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.
REASON To ensure the site is managed and maintained for the benefit of the users of the site and its implications on the surrounding area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

34 Children's Play Equipment

Prior to the first occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning Authority. The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development.
REASON To provide sufficient local play options for children, in accordance with Policy N3 of the Maldon District Local Development Plan (2017).

35 Sustainability and Renewable Energy

The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling. The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.
REASON In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies D1 and D2 of the Maldon District Local Development Plan (2017).

36 Waste Management Plan

A Waste Management Plan shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of

this permission. The Waste Management Plan shall provide details including the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points and bin drag distances if necessary. No development shall commence until the Waste Management Plan has been approved in writing by the Local Planning Authority. The bin and recycling stores as approved shall be provided in accordance with the approved details prior to the first occupation of each dwelling and permanently retained at all times thereafter.
REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

37 Photovoltaic Panels

Prior to the occupation of any dwelling hereby approved to which photovoltaic panels are proposed, full details of any photovoltaic panels, mounting frames and any associated equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- Panel dimensions and specifications
- Height above roof level (demonstrated through section drawings)
- Colour, finish and surface treatment
- Mounting angle and method of installation
- Inverter units, switchgear and supporting infrastructure

The photovoltaic panels shall be installed prior to the first occupation of the relevant dwelling which they are attached to, and retained in accordance with the approved details thereafter for the lifetime of the development.
REASON To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure an appropriate design to protect the character of the area, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

38 Mitigation Measures

The development, including construction, hereby approved shall be carried out in accordance with the details contained in the Technical Note – Ecology Walkover Assessment (Wardell Armstrong, March 2025), Breeding bird report (September 2025), Bat Survey (2021) report (Wardell-armstrong, October 2023) Preliminary Ecological Appraisal (Wardell Armstrong, October 2023), Wintering bird survey report (Wardell Armstrong, April 2025) and Bat Activity Survey 2025 Addendum (Wardell Armstrong, September 2025).

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

39 Construction Environmental Management Plan for Biodiversity

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

The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The development hereby approved shall adhered to and be implemented strictly in accordance with the details within the approved CEMP (Biodiversity) throughout the construction period.
REASON To conserve protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

40 Farmland Bird Compensation Strategy

Prior to the commencement of any development hereby approved, a Farmland Bird Compensation Strategy shall be submitted to, and approved by, the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Compensation Strategy shall include the following:

- purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- locations of the compensation measures by appropriate maps and/or plans;
- persons responsible for implementing the compensation measure.

The Farmland Bird Compensation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.
REASON To conserve protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved

Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

41 Biodiversity Enhancement Strategy

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

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

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

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

42 Habitat Management and Monitoring Plan (HMMP)

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

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

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

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

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.
REASON To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development and to meet the requirements of Policies N1 and N2 of the Maldon District Local Development Plan (2017).

43 Wildlife Sensitive Lighting Scheme

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
REASON To ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

INFORMATIVES

1. Biodiversity Net Gain

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

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

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

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

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

2. Anglian Water

Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposal's suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA) form available on our website Sustainable drainage systems (anglianwater.co.uk), or please contact planningliaison@anglianwater.co.uk.

The lead local flood authority is the statutory consultee for all surface water drainage systems on major developments and should be contacted as soon as possible regarding the proposal.

3. ECC Highways

The Highways Authority (ECC Highways) advise that:

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

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

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over Tollesbury public footpath nos 4 and 17 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details to be agreed with the Highway Authority).

The internal proposals should be in accordance with Maldon District Council's adopted vehicle and cycle parking standards.

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

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

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

4. Lead Local Flood Authority

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

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

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

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

The Ministerial Statement made on 18 December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the

LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

5. Essex Fire and Rescue

You are advised to contact Essex County Fire and Rescue Service in relation to the detailed design of the development, including placement of firefighting water supplies. Details are provided in the Essex County Fire and Rescue Service consultation response, dated 30 April 2025.

6. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 1 May 2025) when considering the detailed design at reserved matters stage.

APPENDIX 1

CIRCULATED PRIOR TO THE MEETING

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
5 AUGUST 2026

ADDENDUM

AGENDA ITEM NO. 5 Land North of West Street Tollesbury

Application Number	**25/00381/OUTM**
Location	Land North of West Street Tollesbury Essex
Proposal	Outline planning application, with all matters reserved except access for up to 159 residential dwellings (Use Class C3), a road link connecting West Street to North Road, ancillary infrastructure, public open space, play space, Suitable Alternative Natural Greenspace (SANG) and sustainable drainage.
Applicant	Welbeck Strategic Land IV LLP
Agent	DLP Planning Ltd
Target Decision Date	14 August 2026
Case Officer	Gareth Ball
Parish	**Tollesbury West**
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary.

5.4 Unit Size Mix

Amend Paragraphs 5.4.1 and 5.4.2 as follows:

5.4.1 The matters of layout and scale are reserved, which would be considered at reserved matters stage. The current application therefore does not include a detailed unit size mix plan, which would be submitted and considered at reserved matters stage.

5.4.2 Officers have updated the housing mix condition (5), when compared to the one set out in the main report. The revised condition would secur the unit size mix to be in accordance with the most recent LHNA and the Technical Advice Note update, the latter in relation to the preferred market housing size mix. The applicant has confirmed their agreement to this amendment. This will ensure that the proposed housing responds to the progressing requirements of the District.

5.5 Quality of Proposed Accommodation

Amend Paragraph 5.5.1 as follows:

5.5.1 Matters relating to the internal size of dwellings, provision of private external amenity space, acceptable natural light etc are not a material consideration in

this outline application, as layout is reserved. The Site has sufficient space to accommodate the number of dwellings (which would be a manageable density of 25 dwellings per hectare if 159 dwellings are provided within the parameter plan area). The 2025 LHNA provides an up-to-date assessment of the District's population and housing requirements. Paragraph 11.11 of the LHNA highlights the need for the provision of accessible dwellings, per Building Regulations Approved Document M. Officers have had note of the planning obligations secured on the recent appeal decision at Land west of the Cemetery (MDC ref 25/00578/OUTM, PINS ref 6004910) in which 80 per cent of market and affordance units were secured as M4(2) (accessible and adaptable homes) while 10 per cent of affordable homes were secured as M4(3) (wheelchair user dwellings). Officers recommend securing this through a planning condition.

7.2 Statutory Consultees and Other Organisations (Page 70)

Amend consultee comments as follows:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority (ECC)	(In addition to previous comments) The submitted Transport Addendum Note demonstrates that the cumulative impacts of the developments will not have a severe impact on the road network.	Noted.
National Health Service Property	No objection, subject to a financial contributions of ~~£78,700~~ **£119,400** towards provision of additional health services in the local area.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.

<u>8 PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT</u>

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT (Page 75)

Amend/add some of the Section 106 Heads of Terms as follows:

- NHS healthcare Primary Care Network infrastructure contribution of ~~£78,700~~ £119,400
- Maldon District Council Section 106 administration and monitoring fee of £1,638
- Affordable Housing – The requirement for a tenure layout plan, demonstrating acceptable clustering of between 15 and 25 units of affordable dwellings, and details of tenure type and unit size.

- At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- At least 10 per cent of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per of both the Affordable Rent and Intermediate dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on the completed units that preceding year and anticipated completions for the following year.

PROPOSED CONDITIONS (Pages 76 to 90)

Replace Condition 5 with the recommended condition as follows:

~~The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.~~

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

Housing Unit Size Mix

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

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