REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
15 OCTOBER 2026

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

1. BACKGROUND

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

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

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

(ii) the planning conditions set out in Section 8 of the previous Committee report at **APPENDIX 1**, as updated by **APPENDIX 2**.

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

1.2 The previous Committee report is attached at **APPENDIX 1** and related Addendum at **APPENDIX 2**.

1.3 At the meeting, Members questioned whether the flood risk sequential test had assessed a sufficiently broad range of reasonably available alternative sites across the District. Their questions concerned the search criteria, whether the housing

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

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

2. COUNSEL ADVICE

2.1 Counsel advises that the Inspector's decision of 21 January 2026 on the earlier, largely identical proposal is a significant and material consideration in the assessment and Planning Balance. An outcome on a matter which is different to that of a conclusion on the same matter previously addressed by the Inspector would require a clear explanation. The Inspector dismissed that appeal because likely significant effects on 'functionally linked land associated with protected habitats' had not been satisfactorily excluded or addressed. Counsel notes that this issue has since been resolved through this current application.

2.2 On flood risk, the Inspector found that the earlier sequential test had not been satisfied because alternative Housing and Economic Land Availability Assessment (HELAA) sites had not been robustly assessed. The Inspector also found that the 'exception test' was passed, that only part of the access road would be directly affected by flood risk, and that the adverse effects of the sequential-test shortfall were limited.

2.3 Counsel has considered the current sequential-test assessment and the applicant's addendum dated 16 September 2026. His view is that the appraisal of alternative sites is unusually comprehensive and would be very likely to be accepted as satisfying the test. He agrees with the assessment in the Committee report, which was prepared before the addendum was received.

2.4 Counsel further advises that, if Members nevertheless conclude that the sequential test has not been satisfied, that conclusion must be considered in the planning balance. The previous Inspector gave the shortfall limited weight in the circumstances of that appeal, having found that the exception test was passed. It would not, of itself, necessarily determine the outcome of this application.

2.5 On foul water drainage, Counsel notes the Inspector's conclusion that the lack of current network capacity could be addressed by a suitably worded Grampian condition. The applicant's drainage consultants have since provided a note dated 1 October 2026 describing three alternative solutions. Counsel considers that the further work and the proposed condition support the same approach. The condition would prevent the development proceeding without an acceptable foul water infrastructure solution.

2.6 Counsel also considers the policy position under the August 2026 National Planning Policy Framework. He agrees with the report's approach to Policy S5(1)(j), under which the development should be approved unless its adverse effects substantially outweigh its benefits. He notes that Policy HO7 requires substantial weight to be given to meeting evidenced housing need, including the proposed affordable housing. In relation to infrastructure, he notes that Policy S5(1)(j)(i) refers to existing

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

3. SUMMARY

3.1 The advice supports the officers' assessment that the current evidence satisfies the flood risk sequential test and that foul water drainage can be dealt with through an appropriately worded condition. Members should consider the advice alongside the previous Committee report, Addendum, representations and all other material planning considerations.

3.2 The officer recommendation remains to **APPROVE** the application and delegate authority to grant outline planning permission, subject to completion of the Section 106 agreement and the conditions set out in the previous Committee report and Addeundum, including the foul water drainage condition. The proposed delegation to refuse if the agreement is not completed within the specified period also remains as set out at paragraph 1.1 above.

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REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
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22 SEPTEMBER 2026

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Applicant	EJ Latchingdon Ltd
Agent	Mr Matthew Driscoll - MJD Planning Ltd
Target Decision Date	2 October 2026 (EoT)
Case Officer	Matt Bailey
Parish	**Latchingdon**
Reason for Referral to the Committee / Council	Major application

1. RECOMMENDATION

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

(i) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the compliant Heads of Terms set out in Section 8 of this report;

(ii) the planning conditions as detailed in Section 8 of this report.

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

2. SITE MAP

See below:

APPENDIX 1

26/00138/OUTM - Land South Of Threeways And 45 The Street, Latchingdon, Essex



3. SUMMARY

3.1 Proposal / Brief Overview, Including Relevant Background Information

Site and Surroundings

3.1.1 The application site comprises approximately 15.84 hectares of predominantly arable land on the southern side of The Street, immediately south and west of the existing built-up area of Latchingdon. Residential development along The Street and Buchanan Way forms the northern and eastern edges. Open agricultural land continues to the south and west. The site is outside the settlement boundary and is not allocated for development in the adopted Maldon District Local Development Plan (LDP).

3.1.2 The site is generally flat and is subdivided by hedgerows, trees, field margins and drainage features. Sharps Farm Brook and associated ordinary watercourses cross or adjoin the land; parts of the access and watercourse corridor are affected by Flood Zones 2 and 3 and by mapped flood hazard. Public Rights of Way (PRoW) 7, 8 and 10 connect the site and village. The principal vehicular access would be taken from the B1018 between Sharps Farm and Lyndale, and an emergency, pedestrian and cycle connection is indicated between numbers 61 and 63 The Street.

3.1.3 The surrounding village has a mixed rural and suburban character. Four Grade II listed buildings - the Red Lion, Chestnuts, Anchor Cottage and Christ Church - lie within the wider setting. The site itself has no designated heritage asset, landscape designation or Tree Preservation Order (TPO). Archaeological evidence identifies potential for later prehistoric, Roman, medieval and post medieval remains. The Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site lies beyond the village and may be affected by additional recreational pressure and, depending on evidence, by use of functionally linked land.

The Proposed Development

3.1.4 Outline planning application with all matters reserved except for means of access, for up to 140 dwellings (Use Class C3), including 40% affordable housing; new site access and internal access roads; a new village centre (Use Class E(a)); flexible employment space (Use Class E); car and cycle parking; landscaping; sustainable urban drainage systems; public open space and footpaths; community woodlands and allotments; together with associated infrastructure.

3.1.5 The submitted parameters and illustrative masterplan divide the housing between two principal parcels, retain and reinforce hedgerows and watercourses, and provide a landscape buffer, community woodland, allotments, public open space and sustainable drainage features. The main access is proposed from The Street/B1018, with pedestrian and cycle links through and around the site and to the existing public rights of way network. The central mixed use element is described as a village centre of approximately 400 square metres, including up to approximately 250 square metres of shop floorspace, together with approximately 600 square metres of flexible employment floorspace.

3.1.6 All matters other than access are reserved. The application therefore fixes the maximum quantum, principal land uses, access and parameters but not the final layout, scale, appearance or landscaping. Those later details would need to conform to the approved parameter plans, design code, green infrastructure framework, drainage strategy, biodiversity commitments and phasing controls.

Previous Decision and Scheme Amendments

3.1.7 The proposal follows application 24/01004/OUTM for an identical maximum quantum and mix of uses. That application was recommended for approval by Officers but the subsequent appeal, APP/X1545/W/25/3369961, was dismissed on 21 January 2026. The Inspector found conflict with the settlement strategy, but only limited landscape harm and no undue harm to the identity of Latchingdon. Highway accessibility, foul drainage, infrastructure and other planning obligation matters were considered to be capable of resolution. The decisive matters were the absence of evidence sufficient to exclude an adverse effect on the integrity of the coastal Habitats sites and a sequential test that did not robustly assess reasonably available sites contained within the Council's Housing and Economic Land Availability Assessment (HEELA).

3.1.8 The revised application is supported by updated wintering and breeding bird surveys, an ecological update, a river condition assessment and biodiversity metric, together with a revised flood sequential test. Place Services Ecology withdrew its holding objection on 4 August 2026, subject to conditions and completion of the Habitats Regulations Assessment process. The Council, as competent authority, has considered the applicant's shadow Appropriate Assessment, and Natural England raises no objection subject to the identified mitigation. Following submission of the Technical Bridge Note dated 28 August 2026 and revised plans and cross-sections, the Environment Agency confirmed in correspondence received on 10 September 2026 that its previous concerns had been satisfactorily addressed and withdrew its objection, subject to the scheme being advanced in accordance with the updated technical information.

Summary Conclusion

3.1.9 The development conflicts with Policies S1, S2 and S8 of the LDP because it is outside the settlement boundary and is not allocated. The current National Planning Policy Framework (NPPF) nevertheless gives substantial weight to meeting evidenced housing needs through Policy HO7 and allows development outside settlements under Policy S5 where it addresses evidenced unmet need, is physically well related to a settlement and is of a scale that can be accommodated having regard to infrastructure. The site adjoins Latchingdon, and the proposal includes 40% affordable housing, a village centre element, employment floorspace, open space and active travel links.

3.1.10 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this Committee report, finding that the harms would not substantially outweigh the benefits of the development, including the provision of 140 homes where the Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS). Therefore, Officers recommend that approval is granted in accordance with the updated NPPF policies, subject to the conditions and planning obligations recommended in this committee report.

4. MAIN RELEVANT POLICIES

4.1 **National Planning Policy Framework (August 2026), including:**

- Paragraph 17 Achieving sustainable development

Chapter 3 - Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals

- DM5 Development viability
- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 - Achieving sustainable development
- S3 Presumption in favour of sustainable development
- S5 Principle of development outside settlements

Chapter 5 - Meeting the challenge of climate change
- CC2 Mitigation of climate change
- CC3 Adaptation to climate change

Chapter 6 - Delivering a sufficient supply of homes
- HO7 Meeting the need for homes
- HO8 Providing affordable homes
- HO9 Specialist forms of accommodation

Chapter 12 - Making effective use of land
- L2 Making effective use of land
- L3 Achieving appropriate densities

Chapter 14 - Achieving well-designed places
- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 - Promoting sustainable transport
- TR3 Locating development in sustainable locations
- TR4 Street design, access and parking
- TR6 Assessing transport impacts
- TR8 Public rights of way

Chapter 16 - Promoting healthy communities
- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- HC8 Development affecting Local Green Space

Chapter 17 - Pollution, public protection and security
- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities

Chapter 18 - Managing flood risk and coastal change
- F4 Assessing flood risk for decision-making
- F5 The Sequential Test
- F6 Development in areas at risk of flooding from rivers or the sea
- F7 Ensuring development is safe from flooding
- F8 Sustainable drainage systems and watercourses

Chapter 19 - Conserving and enhancing the natural environment
- N2 Improving the natural environment
- N3 Trees in new development

- N5 Maintaining the character of the coast
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 - Conserving and enhancing the historic environment

- HE4 Securing the conservation of heritage assets
- HE5 Assessing effects on heritage assets
- HE6 Proposals affecting designated heritage assets
- HE7 Decisions on non-designated heritage assets
- HE10 Loss or removal of heritage assets

4.2 **Maldon District Local Development Plan 2014 -2029**

- S1 - Sustainable Development
- S2 - Strategic Growth
- 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 and Coastal Management
- E1 - Employment
- E2 - Retail Provision
- E3 - Community Services and Facilities
- E6 - Skills, Training and Education
- H1 - Affordable Housing
- H2 - Housing Mix
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment, Geodiversity and Biodiversity
- N3 - Open Space, Sport and Leisure
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services
- I2 - Health and Wellbeing

4.3 **Other Material Guidance and Evidence**

- Latchingdon Neighbourhood Plan, where made policies are relevant
- Maldon District Design Guide Supplementary Planning Document (SPD) 2017
- Maldon District Vehicle Parking Standards
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Essex County Council Sustainable Drainage Systems (SuDS) Design Guide
- Maldon District Local Housing Needs Assessment 2025, updated January 2026
- Technical Advice Note: Housing Mix, November 2025
- Planning Practice Guidance, including current flood risk and Habitats Regulations guidance

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Policies S1 and S2 of the Maldon District Local Development Plan (LDP) seek to direct strategic growth towards allocated sites and defined settlements, whilst Policy S8 seeks to protect the countryside outside settlement boundaries from development other than the forms specifically identified within that policy.

5.1.2 The application site lies outside the defined settlement boundary of Latchingdon and is not allocated for development within the LDP. The proposed residential and mixed-use development does not fall within one of the categories of development ordinarily supported by Policy S8. The proposal therefore conflicts with the spatial strategy of the adopted LDP, principally Policies S1, S2 and S8. This conflict is a matter which must be weighed in the overall planning balance.

Five-Year Housing Land Supply

5.1.3 NPPF Policy HO1 and Annex D set out the approach to identifying and maintaining a supply of deliverable housing sites. The Council's latest published housing land supply position at 1 April 2025 (reported to Council on 12 February 2026) was 4.1 years. This position has subsequently been considered through the appeal process, including the recent Spratts Farm appeal, where the respective positions of the Appellant and Council were 3.6 and 4.04 years. Whilst there has been disagreement regarding the precise figure, it is accepted that the Council cannot currently demonstrate a five-year housing land supply.

5.1.4 There is therefore an evidenced unmet need for housing within the District. In addition, the Council's Strategic Housing consultation response records 737 applicants or families on the Housing Register. NPPF Policy HO7 requires substantial weight to be given to the benefits of development which meets an evidenced need for homes. The proposed development would provide up to 140 dwellings, including 56 affordable homes at the policy-required 40%.

Presumption in Favour of Sustainable Development

5.1.5 NPPF Policy S3 applies the presumption in favour of sustainable development through the decision-making policies contained within Chapter 4 of the Framework. Where development is proposed outside a settlement, Policy S5 identifies the types of development which are acceptable in principle and provides the relevant decision-making test.

5.1.6 Policy S5(1)(j) applies to development which would address an evidenced unmet need, including where a Local Planning Authority cannot demonstrate a five-year housing land supply. In such circumstances the development must be physically well related to an existing settlement, unless the nature of the use makes this inappropriate, and must be of a scale that can be accommodated having regard to existing or proposed infrastructure. Where those requirements are met, the proposal should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies.

Relationship with Settlement

5.1.7 Although outside the settlement boundary, the site is not physically detached or isolated from Latchingdon. It directly adjoins the existing built-up area of the village along its northern and eastern sides and the main vehicular access would connect directly to The Street/B1018. A further pedestrian, cycle and emergency connection is proposed between numbers 61 and 63 The Street, alongside connections with the existing Public Rights of Way network.

5.1.8 The relationship of the site to Latchingdon was considered in detail by the Inspector in determining the appeal relating to the materially identical development under application 24/01004/OUTM. Although the Inspector identified conflict with the adopted settlement strategy, the location was found to be accessible on balance. The Inspector did not identify a severe highway impact and accepted that, whilst some additional reliance on the private car would arise, this did not make the location unacceptable for development. Those findings are recent and remain directly relevant to the current proposal.

5.1.9 The current application also incorporates a small village centre, including local retail provision, approximately 600 square metres of flexible employment floorspace, pedestrian and cycle routes, public open space, woodland and allotments. These elements would provide opportunities for some day-to-day needs, employment and recreation to be met within the development and improve its integration with the existing village.

5.1.10 The additional population would inevitably place additional demands on local infrastructure. Contributions have been identified towards early years and childcare, primary education, secondary school transport, healthcare and library provision, together with travel-plan monitoring and other necessary mitigation. The Section 106 agreement would also secure the affordable housing, Essex Coast RAMS contribution, habitat mitigation and the long-term management of open space and green infrastructure. Any public transport contribution would only be secured where the necessary justification demonstrates compliance with Regulation 122.

5.1.11 Anglian Water has identified constraints in relation to foul-water treatment and network capacity. However, as with the previous appeal, these can be addressed through a strategic foul-water condition preventing development and occupation from proceeding without an agreed and deliverable solution. The Lead Local Flood Authority raises no objection subject to conditions. The Environment Agency has now considered the revised clear-span bridge and watercourse proposals and confirmed that these satisfactorily address its previous concerns, subject to the identified conditions.

5.1.12 Taking these matters together, there is no evidence that the scale of the development cannot be accommodated through existing or proposed infrastructure, provided that the identified conditions, highway works and planning obligations are secured. The proposal therefore satisfies the infrastructure element of Policy S5(1)(j).

Previous Appeal

5.1.13 The previous appeal decision is a significant material consideration. The Inspector considered the same maximum quantum and mix of development and identified conflict with the settlement strategy. However, only limited localised landscape harm was found, there was no undue harm to the identity of Latchingdon, and the location was considered accessible on balance. Foul drainage, highways, infrastructure and the majority of the planning-obligation matters were considered to be capable of satisfactory resolution.

5.1.14 The appeal was ultimately dismissed because the evidence then available was insufficient to allow the Inspector to exclude an adverse effect on the integrity of the relevant Habitats sites, and because the submitted flood-risk sequential test had not adequately considered reasonably available sites contained within the Council's HEELA.

5.1.15 The present application has sought specifically to address those matters. Further wintering and breeding bird surveys, an updated ecological assessment and shadow HRA have been submitted and considered by Place Services Ecology, the Local Planning Authority and Natural England. The Council has now completed an Appropriate Assessment and Natural England raises no objection to its conclusions subject to the identified mitigation. The revised flood sequential test has also considered the HEELA sites omitted from the previous assessment and, for the reasons set out in section 5.7 of this report, addresses the deficiency identified by the Inspector.

Agricultural Land

5.1.16 The development would result in the permanent loss of agricultural land. This is an adverse effect of the proposal and is considered further within the Landscape, Green Infrastructure and Agricultural Land section of this report. However, the Inspector considering the previous appeal gave limited weight to the loss of approximately 14.2 hectares of Grade 3 agricultural land at this site. There has been no material change in circumstances which would justify a different conclusion in respect of this matter.

Principle of Development Summary

5.1.17 The proposal remains in conflict with Policies S1, S2 and S8 of the LDP because the site lies outside the defined settlement boundary and is not allocated for development. However, the Council cannot demonstrate a five-year housing land supply and there is therefore an evidenced unmet need for housing. The site directly adjoins Latchingdon and has been found by the previous Inspector to be accessible on balance. All statutory consultee responses have been addressed (subject to planning obligations and conditions) and as such it is considered that the scale of development can be accommodated subject to the infrastructure improvements, conditions and planning obligations identified within this report.

5.1.18 The proposal therefore falls within the category of development supported by NPPF Policy S5(1)(j). The principle of development is acceptable under current national policy, subject to the assessment of the development against the remaining national decision-making policies and the overall planning balance at section 5.11. The conflict with the adopted spatial strategy remains an adverse consideration in that balance rather than being displaced by Policy S5.

5.2 **Housing Provision, Affordable Housing and Mix**

5.2.1 Policies H1, H2 and H4 of the LDP and NPPF Policies HO7 to HO9 seek delivery of homes that meet evidenced needs, including affordable, accessible and appropriately mixed accommodation. Policy H1 requires 40% affordable housing at this location. The latest local housing evidence indicates an affordable tenure mix of 80% rented and 20% intermediate housing, with 75% of the rented element as Social Rent, and identifies particular need for larger rented homes and accessible accommodation.

5.2.2 The scheme offers 40% affordable housing, equating to 56 dwellings at the maximum 140 unit quantum. Strategic Housing supports that provision and requests the current market and affordable bedroom mixes, Nationally Described Space Standards, M4(2) for all homes as a starting point, at least 10% M4(3), rented one bedroom bungalows, controlled

service charges and delivery by an eligible Registered Provider. Latchingdon's Designated Protected Area status requires the shared ownership staircasing restriction to be addressed in the legal agreement unless the necessary approvals are obtained.

5.2.3 Public comments raise concern that the type and timing of homes and local facilities may not meet local needs. The 40% affordable offer is policy compliant and attracts substantial positive weight. The final tenure, mix, accessibility, clustering, nomination, affordability and occupation triggers must be secured by the Section 106 agreement and a whole scheme housing mix condition. Subject to those controls, the proposal accords with Policies H1, H2 and H4 and NPPF Policies HO7, HO8 and HO9.

5.3 Design, Layout and Quality of Accommodation

5.3.1 Policies D1 and H4 and NPPF Policies L2, L3, DP3 and DP4 require efficient, inclusive and context responsive development with a coherent movement network, legible public realm, appropriate density, usable open space and safe relationships between homes and other uses. As an outline application, detailed layout, scale, appearance and landscaping remain reserved, but the parameter plans must provide a robust framework capable of delivering those outcomes.

5.3.2 The illustrative masterplan shows two connected housing parcels, a central mixed use element, principal green corridors, SuDS, woodland, allotments and links to surrounding rights of way. Police Designing Out Crime supports continued engagement on natural surveillance, secure cycle and refuse storage, public space, movement routes and lighting. Fire and Rescue advises that detailed access, appliance turning and water supplies must be demonstrated at reserved matters stage.

5.3.3 The parameter framework is capable of producing an acceptable place, but the quality relied on in the planning balance must be secured through an approved phasing plan, site wide masterplan and design code before the first reserved matters submission. Conditions also require levels, materials, boundaries, parking, refuse, accessible homes, mixed use relationships and delivery of the village centre and employment floorspace. Subject to those controls, the outline design position is considered acceptable.

5.4 Landscape, Green Infrastructure and Agricultural Land

5.4.1 Policies D1, N1 and N2 and NPPF Policies N2 and N3 require development to respond to landscape character, retain important trees and hedgerows, integrate green infrastructure and minimise the use of higher quality agricultural land where practicable. The site would permanently replace open farmland at the village edge with built development, creating an urbanising change visible from nearby roads, homes and rights of way.

5.4.2 The Landscape and Visual Impact Appraisal, illustrative masterplan and external landscape review identify retained hedgerows, substantial new planting, community woodland, green corridors, public open space, allotments and SuDS. The Council's arboricultural and green infrastructure advisers raise no objection subject to tree protection, a landscape and ecological management plan, early structural planting, habitat management and long term maintenance.

5.4.3 The Inspector considering the identical scheme found limited localised landscape harm and no undue harm to the identity of Latchingdon. That is a material and recent finding. The loss of agricultural land and change to countryside character attract moderate adverse weight, but the retained structure, substantial green infrastructure and reserved matters controls can integrate the development and protect separation. The proposal is

therefore acceptable in landscape terms subject to conditions and management obligations.

5.5 **Heritage and Archaeology**

5.5.1 Policy D3 and NPPF Policies HE4 to HE7 and HE10 require the significance of heritage assets and the contribution of setting to be understood, harm to be avoided or justified, and archaeological interest to be investigated and recorded. The listed Red Lion, Chestnuts, Anchor Cottage and Christ Church lie within the wider study area.

5.5.2 The Conservation Officer has been consulted on the proposal and advises that development would not harm the significance or settings of the listed buildings. Place Services Archaeology identifies medium potential for later prehistoric, Roman and medieval remains and high potential for post medieval remains. It requests a staged programme comprising an approved written scheme, trial trench evaluation, mitigation, fieldwork, post excavation assessment, publication and archive deposition.

5.5.3 No public comment identifies a substantiated heritage effect beyond the general change to village character. The designated heritage conclusion is neutral. Subject to the five stage archaeological condition, the proposal would preserve archaeological interests through investigation and recording and accords with Policy D3 and the relevant NPPF Policies.

5.6 **Transport, Access and Highway Safety**

5.6.1 Policies T1 and T2 and NPPF Policies TR3, TR4, TR6 and TR8 require significant development to be in a sustainable location or made sustainable, provide safe and suitable access for all users, prioritise walking, wheeling and cycling, and mitigate significant network and safety effects to an acceptable degree. A Transport Assessment and Framework Travel Plan accompany the application.

5.6.2 Essex County Council Highways has been consulted and raises no objection subject to construction management, the B1018 access and visibility splays, access geometry, a two metre footway, the pedestrian/cycle/emergency link, improvements to PRoW 7, 8 and 10, travel planning and packs, a Traffic Regulation Order and public transport mitigation. Active Travel England directs the authority to standing advice. The proposal includes the main B1018 access and a connected walking and cycling network.

5.6.3 Public and parish comments identify existing congestion, collisions, speeding, HGV (Heavy Goods Vehicle) movements, constrained junctions, pedestrian danger and limited public transport. The Inspector considering the identical scheme found the location accessible on balance, although some additional car dependence would arise, and did not identify severe highway harm. The current Highway Authority position confirms that the access and network effects can be made acceptable through conditions and delivered works.

5.6.4 The requested £425,000 public transport contribution is indexed from April 2025. The previous Inspector found that an equivalent bus contribution did not satisfy Regulation 122 because its calculation had not been justified. Whilst the principle of such a contribution is accepted by the applicant, the final figure relating to this obligation will be confirmed once ECC Highways have provided a justification demonstrating compliance with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) for the amount sought, during the course of the S106 process.

5.7 Flood Risk, Watercourses and Drainage

5.7.1 Policy D5 of the LDP and NPPF Policies F4, F5, F6, F7 and F8 seek to ensure that development is directed towards areas at the lowest risk of flooding, is safe throughout its lifetime without increasing flood risk elsewhere and incorporates appropriate drainage and watercourse measures. Policy F5 requires the Sequential Test to be applied where development would be located in an area at risk of flooding, unless one of the stated exceptions applies.

Sequential Test

5.7.2 The majority of the application site, including the proposed residential development parcels, lies within Flood Zone 1. However, Sharps Farm Brook crosses the site and parts of the proposed access and watercourse corridor fall within Flood Zones 2 and 3. The development does not therefore fall within the exemption from the Sequential Test provided by Policy F5. This is consistent with the approach taken by the Inspector when considering the previous appeal.

5.7.3 The previous appeal was dismissed in part because the Inspector was not satisfied that the Sequential Test had been adequately undertaken. Whilst alternative sites had been considered, the assessment had not specifically considered potentially suitable sites identified through the Council's Housing and Economic Land Availability Assessment (HEELA). The Inspector did not accept that land could simply be excluded from consideration because it was being promoted by another landowner or developer. The deficiency was therefore principally one of the scope and robustness of the alternative-site assessment rather than a finding that the proposed development could not otherwise be made safe from flooding.

5.7.4 The applicant has submitted a revised Sequential Test dated February 2026 specifically in response to that finding. The assessment now includes sites identified through the Council's HEELA and considers 29 sites between approximately 5 and 20 hectares across the District. These comprise sites within Burnham-on-Crouch, Bradwell-on-Sea, Langford, Heybridge, Maldon, Mayland, North Fambridge, Stow Maries, Southminster and Tollesbury.

5.7.5 The assessment considers the current circumstances of each site, including its planning status, known constraints, suitability for significant residential development, location and relationship to the need being addressed by the proposal. Some sites are already committed to other development, whilst others have previously been refused or dismissed at appeal because of landscape, accessibility, heritage or infrastructure constraints. A number of sites are currently being promoted through planning applications and these have also been considered rather than excluded simply because they are outside the applicant's ownership.

5.7.6 The applicant has applied a site-size range of approximately 5 to 20 hectares. This reflects the scale of the application site, at approximately 15.84 hectares, and the nature of the development proposed. The scheme is not simply for the provision of housing in isolation, but for a residential-led mixed-use development of up to 140 dwellings together with a village centre, employment floorspace, community woodland, allotments, open space and associated infrastructure. The applicant's case is that development below a certain scale would not provide the critical mass necessary to support and deliver those elements of the scheme. Officers consider that this provides a reasonable and proportionate basis for identifying realistic alternatives.

5.7.7 National guidance recognises that in some circumstances a large-scale development may be capable of being accommodated across a number of smaller alternative sites. However, this is only relevant where those alternatives would be capable of accommodating the development in a way which would meet the same development needs and serve its intended market as effectively. In this case, Officers consider that a collection of substantially smaller and geographically separate housing sites would not provide a realistic alternative to the form of development proposed, as it would not provide the concentration of development necessary to support the proposed village centre, community woodland and associated integrated infrastructure.

5.7.8 Nevertheless, the assessment considers whether an identified lower-risk site would be reasonably available and capable of accommodating a development of broadly comparable scale and function. The revised assessment identifies 29 HEELA sites across a range of settlements and considers their planning status, availability, known constraints, scale, location and deliverability. Importantly, sites identified through the HEELA are now included rather than being excluded simply because they are promoted or controlled by other parties. Sites with existing commitments, previous refusals or dismissed appeals, pending applications and those without recent planning histories have all been considered on their individual circumstances.

5.7.9 Having reviewed the revised assessment against the Inspector's previous findings and the Council's own evidence on land availability, Officers consider that the identified search parameters are proportionate to the scale and nature of the development and that the exercise now provides a sufficiently robust assessment of realistic lower-risk alternatives. No reasonably available site has been identified which is at a lower risk of flooding and is capable of accommodating the same development need within a comparable timeframe. Officers therefore consider that the requirements of the Sequential Test have been met.

Flood Safety and Exception Test

5.7.10 The previous Inspector separately considered the safety of the development and the Exception Test. The Inspector was satisfied that the development could be made safe throughout its lifetime without increasing flood risk elsewhere and that, subject to the Sequential Test being satisfied, the wider sustainability benefits of the proposal were sufficient to satisfy the Exception Test. There has been no material change to the nature or location of the development which would justify a different conclusion.

5.7.11 The proposed residential parcels remain located outside the areas of fluvial flood risk. Appropriate finished floor levels, flood-resilient access arrangements and emergency procedures can be secured through condition, whilst the proposed pedestrian, cycle and emergency connection provides an additional route from the site. Having regard to the substantial housing and affordable housing benefits identified elsewhere in this report, Officers consider that the requirements of NPPF Policy F6 are satisfied.

Watercourses

5.7.12 The Environment Agency previously raised concerns regarding the proposed culverting of Sharps Farm Brook and requested further river-condition evidence, hydraulic modelling and consideration of open or clear-span crossings. In response, the applicant submitted a Technical Bridge Note dated 28 August 2026 which proposes the removal of Culverts 2 and 3, replacement of Culvert 1 with a clear-span footbridge and a clear-span vehicular bridge of approximately 22 metres in length. The bridge foundations would be set approximately eight metres from the bank tops and the soffit level would be approximately 600mm above the identified 1% annual probability plus climate-change flood level.

5.7.13 The Environment Agency has considered the revised proposals and confirmed that its previous concerns have been satisfactorily addressed, subject to the detailed watercourse and flood-modelling requirements submitted. The revised approach avoids unnecessary culverting, maintains flood conveyance and provides for restoration of the watercourse corridor.

Surface Water and Foul Drainage

5.7.14 The Lead Local Flood Authority raises no objection subject to detailed surface water drainage conditions requiring greenfield discharge rates, appropriate climate-change and urban-creep allowances, storage, water-quality treatment, exceedance routing and appropriate long-term maintenance arrangements. Separate conditions secure construction-stage drainage and lifetime maintenance and inspection of the SuDS system.

5.7.15 Anglian Water has identified constraints within the foul-water network and receiving water recycling centre. However, it has confirmed that these matters can be addressed through a strategic foul-water condition. The condition would prevent occupation until the necessary infrastructure serving the relevant development is available. The previous Inspector also accepted that a Grampian-style condition was an appropriate means of addressing this matter.

Conclusion

5.7.16 The previous appeal was not dismissed on the basis that the development could not be made safe from flooding. The outstanding issue was the adequacy of the Sequential Test, principally because the assessment had not properly considered the potential alternatives identified within the HEELA. The February 2026 assessment has materially widened that exercise and now considers 29 HEELA sites, including land outside the applicant's control.

5.7.17 Having considered that assessment alongside the Council's own evidence on land availability and the requirements of current national policy, Officers are satisfied that the deficiency identified by the previous Inspector has been sufficiently addressed and that no reasonably available lower-risk alternative appropriate for the development has been identified. Together with the Environment Agency's acceptance of the revised watercourse proposals, the absence of objection from the Lead Local Flood Authority and the drainage controls proposed, the development is considered acceptable in flood risk and drainage terms and accords with Policy D5 of the LDP and NPPF Policies F4 to F8.

Ecology, Habitats Regulations and Biodiversity Net Gain (BNG)

5.7.18 Policies N1 and N2 and NPPF Policies N2, N3 and N6 require biodiversity harm to be avoided or mitigated, ecological networks and trees to be strengthened and international sites to be protected. Policy N6 requires refusal unless an Appropriate Assessment concludes that the proposal would not adversely affect the integrity of the affected Habitats site, alone or in combination, or the statutory derogation route is satisfied.

5.7.19 The earlier appeal was dismissed because the evidence did not exclude use of the site as functionally linked land by qualifying bird features and no lawful Appropriate Assessment could be completed. The present application includes wintering and breeding bird surveys, an updated walkover, river condition assessment, shadow Habitats Regulations Assessment (HRA) and Biodiversity Metric version 7. Place Services Ecology advised on 4 August 2026 that no qualifying coastal bird features were recorded on the site, no functionally linked land is identified, and no ecological objection remains subject to

conditions. The further evidence therefore addresses the principal evidential deficiency identified through the previous appeal.

5.7.20 The applicant's shadow HRA and Appropriate Assessment have been treated as technical evidence to inform the Council's assessment rather than as a substitute for the Local Planning Authority's statutory role. Officers have independently reviewed the shadow HRA alongside the updated ecological surveys, the advice of Place Services Ecology, the representations of Natural England and the mitigation proposed as part of the development. The Local Planning Authority is satisfied that the assessment provides an appropriate evidential basis for its own assessment and adopts the relevant findings and conclusions for that purpose.

5.7.21 The Appropriate Assessment considers the potential effects arising from recreational pressure upon the Crouch and Roach Estuaries SPA and Ramsar site, together with the previously identified potential for effects associated with functionally linked land. The additional survey evidence is sufficient to exclude an adverse effect through loss or disturbance of functionally linked land. Recreational effects would be addressed through the Essex Coast RAMS contribution together with the on-site recreational, information, interpretation and dog-management measures identified within the assessment and secured through the Section 106 agreement and relevant conditions.

5.7.22 Natural England has been consulted on the Appropriate Assessment and supporting information and raises no objection to the conclusion reached, subject to the identified mitigation being secured. On this basis, the Local Planning Authority as competent authority is satisfied that the proposal would not adversely affect the integrity of the Crouch and Roach Estuaries SPA and Ramsar site, either alone or in combination with other plans and projects.

5.7.23 The requirements of the Habitats Regulations and NPPF Policy N6 are therefore satisfied, subject to the mitigation relied upon in the Appropriate Assessment being secured through the planning obligations and conditions identified within this report.

5.8 **Residential Amenity, Air Quality, Noise and Ground Conditions**

5.8.1 Policies D1 and D2 of the LDP and NPPF Policies P2 to P5 require safe and healthy living conditions, protection from unacceptable noise, air, light and contamination effects, and compatibility between housing, employment and other uses. Detailed relationships are reserved, but the parameters, Air Quality Assessment, Noise Impact Assessment and construction information provide the outline evidence base.

5.8.2 Public comments identify construction disturbance, HGV traffic, air pollution, noise, lighting, security and pressure on existing residents. Environmental health controls can address construction hours, dust, noise, vibration, routing, wheel washing, lighting and unexpected contamination. The mixed use centre and employment space will require appropriate separation, façade and ventilation standards and future operational controls at reserved matters stage.

5.8.3 Subject to the Construction Environmental Management Plan, noise, lighting, levels, layout and contamination conditions, the proposal is capable of protecting existing and future occupiers and accords with Policies D1 and D2 and NPPF Policies P2 to P5.

5.9 **Community Infrastructure and Planning Obligations**

5.9.1 LDP Policies I1, I2, E3 and E6 and NPPF Policies DM5, DM6, HC3 and HC4 require development to provide or fund infrastructure made necessary by the scheme. Every

obligation must be necessary to make the development acceptable, directly related to it and fairly and reasonably related in scale and kind.

5.9.2 Essex County Council requests £343,560 for early years and childcare, £858,900 for primary education, £166,516 for secondary school transport, £15,440.60 for libraries and £750 monitoring per obligation, with the identified base dates and indexation, together with an Employment and Skills Plan. The Integrated Care Board requests £105,200 for 23 square metres of primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025. The Highway Authority requests an annual £1,883 travel plan monitoring fee and the provision described in the transport section.

5.9.3 The Section 106 agreement must also secure 56 affordable homes at 40%, the agreed tenure and mix, the Essex Coast RAMS contribution, on site Habitats mitigation, long term open space and green infrastructure management, any biodiversity mechanism not adequately secured by the statutory condition, and the relevant delivery and monitoring provisions. The proposed bus contribution sought by ECC Highways will be confirmed during the S106 process once appropriate CIL compliance breakdown of costs has been provided.

5.10 **Other Matters**

5.10.1 The application includes a village centre and flexible employment component. Their scale is intended to provide local services and jobs for the enlarged community and was not identified as causing an unacceptable retail or economic effect in the previous decision. Detailed floorspace, use, servicing, opening hours and phasing must be controlled so that the benefits are delivered and residential amenity is protected.

5.10.2 The Environmental Impact Assessment screening record for the previous scheme, 24/00382/SCR, concluded that Environmental Impact Assessment was not required. The current application is materially the same in scale and character, and no new characteristic has been identified that would alter that conclusion.

5.10.3 The recommendation includes a list of planning conditions and it includes a list of pre-commencement planning conditions with those identified in the conditions list setting out their clear justification why they are pre-commencement conditions and identifying the necessary information required to meet the requirements of the planning condition to mitigate the impact of the development in accordance with the tests set out in Planning Legislation. The list of planning conditions including all the pre-commencement conditions have been agreed with the applicant to accord with the Council's requirements of section 100ZA(5) of the Town and Country Planning Act 1990 (as amended).

5.11 **Planning Balance**

5.11.1 The application site lies outside the defined settlement boundary of Latchingdon and is not allocated for development within the LDP. The proposal therefore conflicts with Policies S1, S2 and S8 insofar as they seek to direct residential growth to allocated sites and within defined settlements. The development in this case would result in the expansion of Latchingdon onto undeveloped agricultural land and that conflict must be given appropriate weight.

5.11.2 However, the Council cannot demonstrate a five-year housing land supply. NPPF Policy S5(1)(j) supports development outside settlements where it would address an evidenced unmet need, is physically well related to an existing settlement and is of a scale that can be accommodated having regard to existing or proposed infrastructure. For the reasons

set out at section 5.1, the proposal is considered to meet those requirements. The site immediately adjoins Latchingdon, is well-related to the village, and the previous Inspector found the location accessible on balance. The infrastructure necessary to accommodate the development can be secured through the conditions, highway works and planning obligations identified within this report.

5.11.3 The proposal therefore falls within the category of development supported by Policy S5(1)(j). It should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies in the NPPF. The development-plan conflict remains part of that assessment, together with the landscape, agricultural-land, transport and other effects of extending the village into the countryside.

Social Benefits

5.11.4 The delivery of up to 140 dwellings would make a material contribution towards meeting the District's housing needs at a time when the Council cannot demonstrate a five-year housing land supply. NPPF Policy HO7 requires substantial weight to be given to the benefits of development which meets an evidenced accommodation need. The housing provision therefore attracts substantial positive weight.

5.11.5 The development would provide 56 affordable homes, representing 40% of the maximum housing quantum. The Housing Register contained 737 applicants or families at the time of the Strategic Housing consultation response and the Council's housing evidence identifies a continuing need for affordable rented and accessible accommodation. The delivery of 56 secured affordable homes therefore attracts substantial positive weight.

5.11.6 The development would also provide public open space, community woodland, allotments and additional recreational routes. Whilst part of this provision is necessary to provide an acceptable living environment and mitigate the effects of the development, the scale and public accessibility of the overall package would provide some wider community benefit. Moderate positive weight is given to these elements in combination.

Economic Benefits

5.11.7 The proposed village centre and approximately 600 square metres of flexible employment floorspace would provide opportunities for local services and employment within the enlarged village. These uses form an integral part of the proposal and their delivery would be secured through the proposed conditions. Moderate positive weight is given to this provision.

5.11.8 Construction of the development would support direct and supply-chain employment and would result in additional expenditure within the local economy. As a significant proportion of this benefit would be temporary, it attracts limited positive weight.

Environmental Benefits

5.11.9 The submitted biodiversity metric identifies gains of 64.85% in habitat units, 75.01% in hedgerow units and 88.79% in watercourse units. The statutory minimum is not itself an additional planning benefit; however, the substantial gains above that minimum, secured through the Biodiversity Gain Plan and long-term habitat management, attract moderate positive weight.

5.11.10 The proposed pedestrian and cycle connections, improvements to the Public Rights of Way network and links through the site would improve local permeability and provide additional opportunities for active travel and recreation. To the extent that these measures

provide improvements beyond those necessary solely to mitigate the development, they attract limited positive weight.

Adverse Impacts of the Proposal

5.11.11 The site is outside the defined settlement boundary and the proposal conflicts with the spatial strategy contained within Policies S1, S2 and S8 of the LDP. Unlike sites forming part of an identified strategic allocation, the application land has no development-plan allocation for housing. Notwithstanding the site's close physical relationship with Latchingdon and the change in national policy since adoption of the LDP, this conflict is a material adverse consideration but attracts limited adverse weight based upon the approach taken by the revised NPPF at Annex A.

5.11.12 The development would permanently replace open agricultural land at the edge of Latchingdon with residential and mixed-use development and would therefore result in an urbanising change to the character of the site. The previous Inspector nevertheless found only limited localised landscape harm and no undue harm to the identity of Latchingdon. Taking account of those findings, together with the retained hedgerows, landscape buffers, community woodland and proposed structural planting, moderate adverse weight is given to the landscape and countryside effect.

5.11.13 The development would result in the loss of agricultural land. The Inspector considering the materially identical scheme gave limited weight to the loss of approximately 14.2 hectares of Grade 3 agricultural land. In the absence of any material change in the evidence, limited adverse weight is similarly given to that effect.

5.11.14 Some additional reliance upon travel by private car would arise as a result of the development, despite connectivity to the existing village. This was recognised by the previous Inspector, who nevertheless found the location accessible on balance and did not identify severe highway harm. Taking into account the Highway Authority's position that the scheme is acceptable subject to conditions/planning obligations, together with the walking, cycling and travel plan measures proposed, this residual effect attracts limited adverse weight.

5.11.15 Construction of a development of this scale would result in temporary noise, dust, construction traffic and visual disturbance. These effects would occur over a finite period and can be reduced through a detailed Construction Environmental Management Plan, routing arrangements and controls over working hours. Limited adverse weight is therefore given to the temporary construction effects.

5.11.16 No separate adverse weight is given in relation to heritage, drainage, ecological effects, highway safety or residential amenity. Those matters have been assessed against the relevant national decision-making policies and are considered acceptable subject to the identified conditions and obligations. In particular, the Environment Agency has accepted the revised watercourse-crossing proposals and the completed Appropriate Assessment, following consultation with Natural England, concludes that the development would not adversely affect the integrity of the relevant Habitats sites.

Planning Balance Summary

5.11.17 The principal benefits of the proposal are the delivery of up to 140 homes in circumstances where the Council cannot demonstrate a five-year housing land supply and the provision of 56 affordable homes. Both attract substantial positive weight in the context of the updated NPPF policies. Further moderate benefits arise from the village centre and employment provision, publicly accessible green infrastructure and the

biodiversity gains above the statutory minimum, together with more limited economic and active-travel benefits.

5.11.18 Against these benefits, moderate adverse weight is given to the conflict with the adopted spatial strategy and to the change in countryside and landscape character. Limited adverse weight is given to the loss of agricultural land, additional car dependence and temporary construction effects. The recent appeal decision is particularly relevant to these matters, as the Inspector found only limited localised landscape harm, no undue harm to the identity of Latchingdon and considered the location accessible on balance.

5.11.19 The two matters which resulted in dismissal of the previous appeal have now been addressed. The revised sequential assessment deals with the deficiency identified by the Inspector, whilst the additional ecological evidence has enabled the Local Planning Authority to complete an Appropriate Assessment concluding that there would be no adverse effect on the integrity of the relevant Habitats sites. Natural England raises no objection to that conclusion and the Environment Agency has confirmed the acceptability of the revised watercourse proposals.

5.11.20 The previous appeal was dismissed because the Inspector was not satisfied with the sequential assessment and because a Habitats Regulations Assessment had not been completed. Those matters have now been addressed. The revised sequential assessment responds to the deficiency identified by the Inspector, while the additional ecological evidence has enabled the Local Planning Authority to complete an Appropriate Assessment. That assessment concludes that the development would not adversely affect the integrity of the relevant Habitats sites, and Natural England has raised no objection. The Environment Agency has also accepted the revised watercourse-crossing proposals.

5.11.21 Having regard to the assessment above, the identified adverse effects would not substantially outweigh the benefits of the development. The proposal therefore satisfies the decision-making test in NPPF Policy S5. Officers therefore recommend that planning permission be granted subject to the proposed conditions and the applicant entering into a legal agreement to secure the necessary planning obligations set out in section 8.

6. ANY RELEVANT SITE HISTORY

6.1 The following applications are of relevance to the site:

Reference	Description	Decision
24/00382/SCR	Request for an Environmental Impact Assessment (EIA) screening opinion for the residential led mixed use development.	EIA not required
24/01004/OUTM	Outline application for the same maximum 140 dwellings, 40% affordable housing, village centre, employment, access, open space, drainage and infrastructure.	Appeal dismissed
22/01174/OUTM	Land north of the Groves: outline residential development referenced in the earlier committee and appeal evidence.	Appeal allowed 6 February 2024 (APP/X1545/W/23/3331398)

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Recommends refusal: outside settlement boundary, scale, character, cumulative infrastructure, winter bird evidence, flood sequential test and Anglian Water capacity.	See Principle of Development, Landscape, Flood Risk, Ecology and Community Infrastructure. The specialist evidence resolves several matters, along with proposed conditions and planning obligations
Mayland Parish Council	Objects on infrastructure, flooding and sewage, roads and emergency access, public transport, water, farmland, village character, health, parking, ecology and noise.	See Transport, Flood Risk, Landscape, Ecology, Amenity and Community Infrastructure. Conditions and obligations secure the necessary mitigation.
Mundon Parish Council	Raises concern regarding road effects and foul water treatment at Mundon Water Recycling Centre.	See Transport and Flood Risk, Watercourses and Drainage. Highway harm is acceptable subject to conditions/planning obligations; the strategic foul water condition prevents occupation without an approved solution.

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Initial Objection withdrawn following amendment to the technical bridge design at Sharps Farm Brook. Now withdrawn formally following technical update and no objections are raised subject to a planning condition requiring the development does not increase flood risk elsewhere and provides betterment to the surrounding community through green infrastructure provision	See Flood Risk, Watercourses and Drainage. The objection was withdrawn following submission of the revised clear-span crossing proposals
Essex County Council Highways	No objection subject to access and visibility details, footways, pedestrian/cycle/emergency links, PRoW works, construction management, travel planning, a Traffic Regulation Order and transport mitigation.	Conditions and the planning obligation secure the accepted requirements. The £425,000 bus contribution is subject to separate Regulation 122 evidence.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	Standing advice and request for decision/committee notification.	The assessment applies the standing advice and NPPF Policies TR3, TR4 and TR6.
Anglian Water	Objects because treatment and foul network capacity are unavailable and pollution could result; alternatively requests a strategic foul water condition before commencement and occupation.	The previous Inspector accepted that a Grampian style condition could address this issue. Condition proposed to require submission of details
Lead Local Flood Authority	No objection subject to detailed surface water, construction drainage, maintenance and annual log conditions.	Conditions proposed to require submission of details in this regard.
Essex County Council Education / Infrastructure	Requests education, secondary transport, recycling, waste transfer, library and monitoring contributions and an Employment and Skills Plan.	The Section 106 agreement will secure the final formula based package in section 8, subject to Regulation 122 and legal sign off.
NHS Integrated Care Board	Requests £105,200 for 23 square metres of local primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025.	The identified project, formula, trigger, indexation and repayment provisions are included in the draft heads of terms.
Essex Police Designing Out Crime	No objection; requests detailed CPTED (Crime Prevention Through Environmental Design), surveillance, security, parking, EV (Electric Vehicle) charging, lighting and public realm input.	These matters are controlled through the design code and reserved matters submissions.
Essex County Fire and Rescue Service	Insufficient outline detail; future submissions must demonstrate appliance access, turning and water supplies. Advises sprinklers.	Proposed condition secures access and water supply details; sprinkler advice is an informative matter.
Natural England	No objection subject to completion of appropriate assessment or review of Shadow HRA and associated Appropriate Assessment	Addressed by additional submissions - see Ecology, Habitats Regulations and Biodiversity Net Gain.

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

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	Supports 40% affordable housing: 56 homes, normally 80% rented and 20% intermediate, with 75% of rented homes as Social Rent; seeks the current mix, accessible standards and rented bungalows.	Secure the complete affordable housing scheme and occupancy controls in the Section 106 agreement and conditions.
Place Services Ecology	On 4 August 2026 withdrew the holding objection; finds no functionally linked land, supports the BNG metric and requests AA/Natural England steps and detailed ecological conditions.	The ecological evidence gap is resolved. Conditions proposed accordingly
Place Services Archaeology	Requests a five stage written scheme, evaluation, mitigation, fieldwork, post excavation, publication and archive programme.	Condition added which follows the requested substantive sequence.
Conservation Officer	Finds no harm to the significance or settings of the identified Grade II listed buildings.	No designated heritage reason for refusal arises.
Arboricultural Adviser	No objection subject to retention, protection and detailed Arboricultural Method Statement and Tree Protection Plan controls.	Conditions proposed which secure those controls.
Green Infrastructure / Landscape	No objection subject to green infrastructure, construction, habitat and landscape management strategies and long term logs.	Conditions proposed along with Section 106 management obligations to secure the scheme.

7.4 **Site Notice / Advertisement**

7.4.1 A press notice was published in the Maldon and Burnham Standard on 26 March 2026, with comments due by 17 April 2026. Site notices were placed in prominent positions at various locations surrounding the application site, including Burnham Road, Buchanan Way and a number of locations along The Street on 30 April 2026, with comments due by 22 May 2026.

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

7.5.1 A total of **20 objections** have been received from members of the public in relation to the proposal. The issues raised within these objections and the corresponding officer responses are summarised below.

Comment	Officer Response

Comment	Officer Response
Traffic and highway safety Existing congestion, speeding, collisions, HGVs, constrained roads, school crossing danger and emergency access would worsen.	See Transport, Access and Highway Safety. The Highway Authority raises no objection subject to the access, walking/cycling, PROW, construction and travel plan measures.
Public transport and car dependence Bus and rail services are limited, and residents would depend on private cars.	See Principle of Development and Transport. Some car dependence attracts limited harm, but the location was found accessible on balance and active travel measures are secured. Any bus contribution must first satisfy Regulation 122.
Foul drainage and sewage The water recycling centre and sewer network lack capacity and pollution may occur.	See Flood Risk, Watercourses and Drainage. No occupation may proceed without an approved and deliverable strategic foul water solution.
Flooding and surface water The access, brook, floodplain and drainage systems could expose people or neighbouring land to increased risk.	See Flood Risk, Watercourses and Drainage. Environment Agency has confirmed acceptance of the proposal. LLFA conditions are proposed to secure detailed drainage and maintenance.
Schools, health and other infrastructure Schools, GP services, emergency services, utilities and community facilities lack capacity.	See Community Infrastructure. Formula based education, transport, waste, library and healthcare mitigation and an Employment and Skills Plan are included in the Section 106 package.
Ecology and designated sites The site supports wildlife and farmland birds; the wintering bird survey may be insufficient, and designated sites may be harmed.	See Ecology, Habitats Regulations and Biodiversity Net Gain. Place Services now finds no functionally linked land - Natural England have confirmed proposal is acceptable.
Countryside, landscape and village identity The proposal is outside the settlement, would urbanise farmland and change Latchingdon's scale and rural character.	See Principle of Development, Landscape and Planning Balance. Moderate spatial and countryside harm is acknowledged; the previous Inspector found only limited landscape harm and no undue loss of village identity.
Amenity, pollution and security Construction, noise, dust, air pollution, lighting, overlooking and crime would affect residents.	See Design and Residential Amenity. Detailed layout and enforceable construction, lighting, noise, security and contamination controls address these effects.
Previous appeal and cumulative development The scheme is materially the same as the dismissed appeal and adds to other village growth.	See Previous Decision, Principle of Development and Planning Balance. The previous decision is fully addressed in relation to Habitats and sequential testing..

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

8.1 HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Head	Provision / Purpose
Affordable housing	40% on site provision: 56 homes at the maximum 140 dwellings; 80% rented and 20% intermediate; 75% of rented homes as Social Rent; agreed mix, accessibility, DPA staircasing, nomination, affordability, clustering, transfer and occupation controls.
Essex Coast RAMS	£175.55 per dwelling at the 2026/27 tariff, calculated against the final permitted dwelling count, with agreed payment trigger, indexation, recipient and administration.
On site Habitats mitigation	Provide, manage and retain the suitable alternative greenspace, resident information, interpretation, dog management and other measures relied upon in the final Appropriate Assessment, without double counting RAMS, open space or BNG.
Early years and childcare	£343,560, indexed from quarter 1 of 2025 and adjusted through the final Essex County Council (ECC) formula.
Primary education	£858,900, indexed from quarter 1 of 2025 and adjusted through the final ECC formula.
Secondary school transport	£166,516, indexed from quarter 2 of 2021 using the stated £6.26 per pupil per day basis and final pupil yield.
Healthcare	£105,200 for 23 square metres of primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025, with identified project, trigger and repayment provisions.
Libraries	£15,440.60, indexed from November 2025, subject to final formula and project definition.
Highway and active travel	Section 278 works, Traffic Regulation Order, travel plan, packs/vouchers, annual £1,883 monitoring fee indexed from April 2026, and delivery/monitoring of the agreed access, footway and PROW measures.
Public transport - provisional	£425,000 indexed from April 2025 towards bus service improvements (subject to provision of breakdown in costs from ECC Highways & CIL compliance)
Green infrastructure and open space	Transfer or management company arrangements for public open space, woodland, allotments, play, SuDS amenity land, routes, structural landscaping, inspection, replacement and lifetime maintenance.
Biodiversity	Any significant on site or off-site habitat security not adequately delivered by the statutory biodiversity net gain condition, with at least 30 years of management, reporting, remedial action and a defined responsible body.
Employment and Skills Plan	Construction Employment and Skills Plan with targets, delivery, reporting and proportionate monitoring.
Monitoring	ECC's stated £750 per obligation where evidenced, together with proportionate legal and monitoring costs and safeguards against double charging.

8.2 **PROPOSED CONDITIONS**

1. Outline time limits
Application for approval of all reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development shall begin not later than two years from the date of approval of the final reserved matter.
REASON**:** To comply with sections 91 and 92 of the Town and Country Planning Act 1990.

2. Reserved matters
No development shall commence until details of the appearance, landscaping, layout and scale of the development, hereinafter called the reserved matters, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved reserved matters.
REASON: To define the matters reserved for later approval and secure a high quality development in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and Policies L2, L3, DP3 and DP4 of the NPPF.

3. Approved access and plans
The means of vehicular access shall be carried out in accordance with drawing 130.PL03 Parameters Plan and the approved access drawings listed on the decision notice. No development other than site preparation approved under a construction plan shall take place until the access engineering details have been submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the access serving it is available for use.
REASON: To define the permission and provide safe and suitable access in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

4. Maximum quantum and land uses
The development shall comprise no more than 140 dwellings, of which 40 per cent shall be affordable housing, together with a village centre building providing no more than 400 square metres gross internal area within Use Class E(a), no more than 600 square metres gross internal area of flexible employment floorspace within Use Class E, and the open space, woodland, allotments, drainage, routes and infrastructure shown on the approved parameter plans. No change between those uses shall occur except with express planning permission.
REASON: To define the scope of the outline permission and secure the development benefits relied upon in the planning balance in accordance with Policies S1, D1, E1, E2, E3, H1 and H4 of the Maldon District Local Development Plan and Policies S5, HO7, HO8, E2, E4, TC3 and TC4 of the NPPF.

5. Site wide phasing, masterplan and design code
Before the first reserved matters application is submitted, a site wide phasing plan, regulating masterplan and design code shall be submitted to and approved in writing by the Local Planning Authority. They shall define development parcels; housing and mixed use distribution; movement hierarchy; street types; density and height ranges; key frontages and spaces; access for emergency and service vehicles; walking, wheeling and cycling routes; parking and refuse principles; blue green infrastructure; retained vegetation; play, allotments and woodland; SuDS; utilities; biodiversity mitigation; delivery triggers; and design review arrangements.

Every reserved matters submission shall include a compliance statement and shall accord with the approved documents.
REASON: To secure coordinated, inclusive and high quality phased development in accordance with Policies D1, H4, N1, T1 and T2 of the Maldon District Local Development Plan and Policies DP3, DP4, L2, L3, TR3 and TR4 of the NPPF.

6. Housing mix, space and accessibility

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 have regard to the housing mix requirements as set out within the Maldon District Council Technical Advice Note (TAN) on Housing Mix, the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

The development shall include not less than 15% of the total number of dwellings as bungalows and not less than 5% of the total number of dwellings as self-build or custom-build homes, as defined by the Self-build and Custom Housebuilding Act 2015 (as amended). Each residential reserved matters application shall demonstrate how the proposed mix contributes towards achieving these site-wide requirements.

All dwellings shall meet Building Regulations M4(2) unless a site-specific technical reason is submitted to and approved in writing by the Local Planning Authority. At least 10% of the dwellings shall meet Building Regulations M4(3), with the distribution of affordable accessible dwellings to be agreed with the Local Housing Authority.
REASON: To meet evidenced housing needs and provide inclusive accommodation in accordance with Policies H1, H2 and H4 of the Maldon District Local Development Plan and Policies HO7, HO8 and HO9 of the NPPF.

7. Levels, materials and boundaries

No above ground development within a phase shall commence until existing and proposed levels, finished floor levels, external materials, boundary treatments, refuse and cycle stores, utility structures, meter boxes and hard surfacing details for that phase have been approved in writing. The approved details shall be completed before first occupation of the relevant building and retained thereafter.
REASON: To protect character, drainage, accessibility and amenity in accordance with Policies D1, D2 and D5 of the Maldon District Local Development Plan and Policies DP3, DP4, P3 and F7 of the NPPF.

8. B1018 access and visibility

No dwelling or commercial floorspace shall be occupied until the principal access, junction radii, carriageway, pedestrian crossing points and visibility splays have been provided in accordance with the drawings approved under condition 3. The splays shall be kept permanently clear of obstruction above 600 millimetres, and the access shall thereafter be retained for its intended use.
REASON: To provide safe and suitable access for all users in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

9. Two metre footway

Before first occupation, a continuous two metre wide footway and associated crossing facilities shall be provided along the site frontage and connected to the existing network in accordance with details approved in writing. The route shall be lit, drained, available for public use and retained thereafter.

REASON: To secure safe and inclusive pedestrian access in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3 and TR4 of the NPPF.

10. Pedestrian, cycle and emergency link

Before occupation of the dwelling identified in the approved phasing plan as the agreed trigger, the pedestrian, cycle and emergency connection between numbers 61 and 63 The Street shall be completed in accordance with approved engineering, surfacing, lighting, access control, drainage and management details. It shall remain available for walking, wheeling, cycling and emergency use and shall not be used for general vehicular access.
REASON: To provide permeability and emergency resilience without creating an unintended general traffic route, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR8 of the NPPF.

11. Extension of 30mph speed limit

No dwelling shall be occupied until the extension of the existing 30mph speed limit on the B1018 to a point west of the principal site access has been secured through the appropriate Traffic Regulation Order process and brought into effect, and the associated traffic signs, gateway treatment and road markings have been provided in accordance with details agreed with the Highway Authority.

The approved measures shall thereafter be retained in accordance with the requirements of the Highway Authority.
REASON: To ensure that vehicle speeds on the B1018 are appropriately managed in the vicinity of the site access and to provide safe and suitable access to the development, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

12. Public Rights of Way

No development which would affect Public Rights of Way 7, 8 or 10, or their connections through the application site, shall commence until a scheme for the protection and improvement of the relevant Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The scheme shall include, where applicable, details of surfacing, drainage, signage, accessibility, connections through the development, temporary diversions or alternative routes required during construction, and the timing and phasing of the permanent improvements.

No Public Right of Way shall be obstructed or made unavailable unless an authorised temporary or permanent alternative route is available for public use. The permanent improvements shall be implemented in accordance with the approved phasing and thereafter retained.
REASON: To protect and enhance the rights of way network in accordance with Policies T1, T2 and N3 of the Maldon District Local Development Plan and Policy TR8 of the NPPF.

13. Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall contain and address the following matters:

(a) Hours of use for the construction of the development
(b) Hours and duration of any piling operations
(c) Vehicle haul routing in connection with construction, remediation and engineering operations
(d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
(e) Details of construction any access or temporary access, and details of temporary parking requirements
(f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
(g) Loading and unloading of plant and materials locations
(h) Details of any temporary hardstandings
(i) Details of temporary hoarding
(j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
(k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
(l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
(m) For dust and air quality management and mitigation:
    i. The identification of all dust-generating activities and sensitive receptors
    ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout), including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
    iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
(n) Measures for water management including waste water and surface water discharge
(o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
(p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
(q) A Site Waste Management Plan
(r) For ecology and biodiversity:
    i. Risk assessment of potentially damaging construction activities
    ii. Identification of “biodiversity protection zones”
    iii. 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)
    iv. The location and timing of sensitive works to avoid harm to biodiversity features
    v. The times during construction when specialist ecologists need to be present on site to oversee works
    vi. Responsible persons and lines of communication
    vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
    viii. Use of protective fences, exclusion barriers and warning signs
(s) Details of security lighting layout and design, and
(t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP. REASON**:** To protect highway safety, amenity, ecology and water quality during construction in accordance with Policies D1, D2, N2, T1 and T2 of the Maldon District Local Development Plan and Policies P3, TR4, TR6, N2 and F8 of the NPPF.

14. Residential Travel Plan

Prior to first occupation of the development, a full Residential Travel Plan shall be approved in writing, including objectives, mode share targets, measures, travel information packs, sustainable transport vouchers, management, monitoring, annual reporting, review and remedial measures. It shall be implemented from first occupation for the approved monitoring period.
REASON**:** To promote sustainable travel and monitor the development's transport effects in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

15. Strategic foul water strategy

No development shall commence until a strategic foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. The strategy shall identify the receiving water recycling centre and network, required capacity improvements, phasing, responsible undertaker, programme and an alternative lawful treatment solution if network improvements are unavailable. No dwelling or other building shall be occupied until the infrastructure serving it has been completed and written confirmation of capacity and connection has been provided. The approved strategy shall be implemented in full.
REASON**:** To prevent pollution and ensure that adequate foul water infrastructure is available in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies W4, P3 and F7 of the NPPF.

16. Watercourse crossings and flood modelling

No development shall commence within eight metres of Sharps Farm Brook or any ordinary watercourse until final plans and cross sections of every crossing, hydraulic modelling, river condition assessment, bank treatment, foundation setbacks, soffit levels, construction sequence, culvert removal, channel restoration and maintenance access have been approved in writing by the Local Planning Authority in consultation with the Environment Agency and Lead Local Flood Authority. Crossings shall be clear span unless otherwise expressly approved, and the approved works shall be completed before the relevant route is brought into use.
REASON**:** To avoid unnecessary culverting, protect watercourse morphology and biodiversity and ensure flood conveyance in accordance with Policy D5 of the Maldon District Local Development Plan and Policies F4, F7, F8 and N2 of the NPPF.

17. Flood levels and emergency plan

No development shall commence until a final site specific Flood Risk Assessment compliance scheme and Flood Emergency Plan have been approved in writing. They shall fix finished floor levels, flood resilient access, safe refuge and evacuation arrangements, responsibility for warnings and implementation, and demonstrate that the development will remain safe for its lifetime without increasing flood risk elsewhere. The approved measures shall be completed in accordance with the phasing and retained.
REASON**:** To secure safe development in accordance with Policy D5 of the Maldon District Local Development Plan and Policies F4 and F7 of the NPPF.

18. Detailed surface water drainage

No development shall commence until a detailed surface water drainage scheme has been approved in writing. The scheme shall use the drainage hierarchy and greenfield discharge rates; demonstrate the 1 in 1, 1 in 30 and 1 in 100 year plus 45 per cent climate change events; include 10 per cent urban creep; provide storage, treatment, exceedance routes and half drain time within 24 hours; address groundwater and infiltration through BRE365 testing; integrate biodiversity and amenity; and identify outfalls, consents and phasing. No building shall be occupied until the serving system is operational.
REASON**:** To prevent flooding and pollution and provide multifunctional drainage in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies F4, F7 and F8 of the NPPF.

19. Construction surface water management

No phase shall commence until a construction surface water management plan has been approved in writing. It shall identify temporary drainage, settlement and treatment, protection of watercourses and sewers, fuel and chemical controls, exceedance, inspection, maintenance, incident response and the sequence for bringing permanent SuDS into operation. Construction shall accord with the approved plan.
REASON**:** To prevent construction stage flooding and water pollution in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies P3, F7 and F8 of the NPPF.

20. SuDS maintenance and logs

Before first occupation of a phase, a maintenance plan for every SuDS feature serving that phase shall be approved in writing, identifying the management body, access, tasks, frequencies, funding and remedial procedures. Annual inspection and maintenance logs shall be kept for the lifetime of the development and supplied to the Local Planning Authority within 20 working days of a written request.
REASON**:** To secure effective lifetime operation of the drainage system in accordance with Policy D5 of the Maldon District Local Development Plan and Policy F8 of the NPPF.

21. Archaeological programme

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured by an approved Written Scheme of Investigation. The programme shall include trial trench evaluation; any further mitigation strategy; excavation or preservation in situ; archaeological monitoring; post excavation assessment; analysis, publication and archive deposition. No phase shall proceed beyond the stage identified in the approved programme until the relevant work has been completed and confirmed in writing.
REASON**:** To preserve by record and, where appropriate, in situ archaeological remains in accordance with Policy D3 of the Maldon District Local Development Plan and Policies HE4, HE5 and HE10 of the NPPF.

22. Trees and hedgerows

No development shall commence until a final Arboricultural Method Statement and Tree Protection Plan compliant with BS 5837:2012 has been approved in writing. Retained trees and hedgerows shall be fenced before clearance or construction and protected from storage, plant, excavation, service installation and level changes. Approved supervision and replacement planting shall be completed, and any retained or replacement specimen that dies or becomes defective within five years shall be replaced in the next planting season.

REASON**:** To protect important landscape and biodiversity features in accordance with Policies D1, N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N3 of the NPPF.

23. Green infrastructure and landscape management

Before the first reserved matters submission, a site wide Green Infrastructure and Landscape Strategy shall be approved in writing. It shall define retained vegetation, structural and early planting, the western and southern buffers, woodland, allotments, public open space, play, SuDS integration, pedestrian routes, phasing, establishment, irrigation, replacement, management responsibilities and annual inspection. Phase landscaping shall accord with that strategy and be completed before the first planting season following occupation of the relevant phase.
REASON**:** To integrate the development, secure multifunctional green infrastructure and protect landscape character in accordance with Policies D1, N1, N2 and N3 of the Maldon District Local Development Plan and Policies DP3, N2 and N3 of the NPPF.

24. Ecological mitigation

The development shall be carried out in accordance with the mitigation and enhancement measures in the Ecology Report version 1.6, wintering and breeding bird surveys, updated walkover, river condition assessment and the measures relied upon in the Council's Appropriate Assessment. Before each phase begins, a phase ecological method statement shall be approved in writing addressing protected species, nesting birds, reptiles and amphibians, badgers, watercourses, hedgerows, root zones, timing, ecological watching briefs, responsibilities, inspection and corrective action. The approved measures shall be implemented in full.
REASON**:** To avoid harm to protected and priority species and secure the mitigation relied upon in the Habitats Regulations assessment, in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2, N3 and N6 of the NPPF.

25. Farmland bird compensation

Before any habitat capable of supporting skylark or other farmland birds is removed, a Farmland Bird Mitigation Strategy shall be approved in writing. It shall provide at least eight suitably located skylark plots or an equivalent evidence based measure, avoid conflict with public access and predation risk, identify the land and responsible body, and secure management, monitoring and remedial action for not less than ten years. It shall be implemented before the affected breeding season and retained for the approved term.
REASON**:** To compensate for the predicted loss of two skylark territories and protect priority farmland birds in accordance with Policy N2 of the NPPF.

26. Biodiversity Construction Environmental Management Plan

No development shall commence until a Biodiversity Construction Environmental Management Plan has been approved in writing. It shall identify risk zones, protected habitats and species, retained vegetation and watercourses, precautionary methods, pollution controls, sensitive timing, ecological supervision, toolbox talks, exclusion fencing, incident response, compliance monitoring and reporting. The development shall accord with the approved plan.
REASON**:** To avoid construction stage harm to biodiversity in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N6 of the NPPF.

27. Biodiversity enhancements

No development shall commence above slab level until a Biodiversity Enhancement Strategy providing integrated swift bricks, bat roosting features, hedgehog access, native planting, ponds and other habitat features appropriate to the approved metric and ecological evidence, has been submitted to and approved in writing by the local planning authority. The features shall be installed before occupation of the relevant buildings or completion of the relevant landscape area and retained thereafter.

REASON**:** To secure measurable ecological enhancement in accordance with Policy N2 of the Maldon District Local Development Plan and Policies N2 and N3 of the NPPF.

28. Wildlife sensitive lighting

No external lighting shall be installed until a Lighting Design Strategy for biodiversity and amenity has been submitted to and approved in writing by the local planning authority. It shall identify sensitive receptors and dark corridors, specify horizontal and vertical illuminance, spectrum, shielding, mounting heights, hours and controls, and demonstrate no harmful illumination of retained hedgerows, watercourses, trees, habitats or neighbouring dwellings. Lighting shall be installed and operated only as approved.

REASON**:** To protect wildlife corridors, landscape character and living conditions in accordance with Policies D1, D2, N1 and N2 of the Maldon District Local Development Plan and Policies P3, N2 and N6 of the NPPF.

29. Updated ecological surveys

Where a reserved matters submission or commencement of a phase occurs more than two years after the most recent relevant ecological survey, or where site conditions materially change, updated surveys and any necessary revised mitigation shall be submitted to and approved in writing before that phase commences. The approved mitigation shall be implemented in full.

REASON**:** To ensure decisions and mitigation remain based on current ecological evidence in accordance with Policy N2 of the Maldon District Local Development Plan and Policies DM2 and N2 of the NPPF.

30. Biodiversity Gain Plan and HMMP

The statutory biodiversity gain condition applies. Before any significant on-site habitat creation or enhancement identified in an approved Biodiversity Gain Plan commences, a Habitat Management and Monitoring Plan shall be approved in writing. It shall include baseline and target condition, creation and enhancement works, responsible bodies, a funding mechanism, management for at least 30 years, monitoring methods and success criteria, reports in years 1, 3, 5, 10, 15, 20, 25 and 30, and remedial or adaptive management. The plan shall be implemented and reports submitted as approved.

REASON**:** To secure and monitor the biodiversity units relied upon by the development for at least 30 years in accordance with Schedule 7A to the Town and Country Planning Act 1990, Policy N2 of the Maldon District Local Development Plan and Policy N2 of the NPPF.

31. Recreational Disturbance / HRA mitigation

No development shall commence until a detailed Recreational Disturbance Mitigation Strategy and Long-Term Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall secure the mitigation measures relied upon in the Council's Appropriate Assessment and demonstrate how recreational effects upon the relevant Habitats sites will be avoided or mitigated, both alone and in combination with other plans and projects.

The Strategy shall include:

a) the provision and specification of high-quality informal and semi-natural areas of public open space for recreational use;

b) provision of a continuous circular dog-walking route of at least 2.7 kilometres within the site and/or incorporating appropriate connections with the surrounding Public Rights of Way network;

c) details of the timing and phasing of the recreational mitigation, which shall ensure that the relevant provision is available prior to occupation of the dwellings which it is intended to serve;

d) a long-term management and maintenance scheme identifying the responsible body, funding arrangements and management standards necessary to retain the mitigation for the lifetime of the development;

e) interpretation boards and information for new residents promoting the on-site open space and Public Rights of Way as recreational destinations and explaining the sensitivity of the relevant coastal Habitats sites; and

f) appropriate dog-management measures, including areas suitable for dogs to be exercised off lead and the provision and maintenance of dog-waste facilities.

The approved Strategy shall thereafter be implemented and the measures retained and managed in accordance with the approved details.
REASON: To secure the mitigation identified through the Habitats Regulations assessment of the proposal and to ensure that the development would not adversely affect the integrity of the relevant Habitats sites, either alone or in combination with other plans and projects, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Policies N1 and N2 of the Maldon District Local Development Plan and Policy N6 of the NPPF.

32. Contamination investigation

No development, other than works required for the purposes of site investigation, shall commence until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall establish the nature and extent of any contamination affecting the site, whether or not originating on the site, and shall be undertaken by competent persons.

The assessment shall include:

a) a survey of the extent, scale and nature of contamination;

b) an assessment of potential risks to human health, property, adjoining land, groundwater and surface water, ecological systems and other relevant receptors; and

c) an appraisal of remedial options and identification of the preferred remediation approach where required.

The investigation and assessment shall be undertaken in accordance with current Environment Agency Land Contamination Risk Management guidance and other relevant technical guidance.
REASON: To ensure that risks arising from land contamination are properly identified and addressed and to protect future occupiers, controlled waters and the

environment, in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

33. Contamination Remediation

Where the investigation required by the preceding condition identifies contamination requiring remediation, no development within the affected area shall commence, other than works required to undertake remediation, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify the remediation objectives and criteria, the remediation measures to be undertaken, a programme for their implementation and a verification plan.

The approved remediation shall be completed in accordance with the approved scheme and a verification report demonstrating its satisfactory completion shall be submitted to and approved in writing by the Local Planning Authority before occupation of the affected part of the development.
REASON: To ensure that any contamination identified on the site is appropriately remediated so that the development is suitable for its intended use and does not give rise to unacceptable risks to human health, controlled waters or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

34. Unexpected contamination

If contamination not previously identified is found, work in the affected area shall cease and a competent person investigation, risk assessment, remediation method and verification plan shall be approved in writing. The approved remediation shall be completed and verified before development resumes in that area or the relevant building is occupied.
REASON**:** To protect health, controlled waters and the environment in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

35. Village centre and employment delivery

Prior to occupation of the 71st dwelling, a delivery and occupation strategy for the village centre and employment floorspace shall be approved in writing, identifying the buildings and uses, servicing, parking, refuse, hours, fit out, marketing, delivery programme and fallback measures. The approved floorspace shall be completed and made available for occupation before occupation of the 111th dwelling and shall thereafter be retained for the approved uses unless otherwise authorised by a subsequent planning permission.
REASON**:** To secure the local service and employment benefits relied upon in the planning balance in accordance with Policies E1, E2, E3 and E6 of the Maldon District Local Development Plan and Policies E2, E4, TC3, TC4 and HC3 of the NPPF.

36. Fire access and water supplies

Each reserved matters application shall demonstrate compliance with current fire appliance access, turning, load bearing, clearance and water supply requirements. No dwelling or building shall be occupied until the approved access and hydrant or other water supply provision serving it is operational and available to the Fire and Rescue Service.

REASON**:** To provide safe emergency access and firefighting infrastructure in accordance with Policy D1 of the Maldon District Local Development Plan and Policies DP3 and TR4 of the NPPF.

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CIRCULATED BEFORE THE MEETING

REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH

to
DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2026

ADDENDUM
AGENDA ITEM NO. 6

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

1. CONSULTATION RESPONSES

1.1 Since the publication of the committee report further representations have been received in relation to the proposed scheme. The principal matters raised by the representations concern the adequacy of the submitted Flood Risk Sequential Test (FRST); the proposed Grampian condition relating to foul water drainage; highway capacity and cumulative effects; and the enforceability of the proposed planning obligations. These matters are addressed in more detail below.

1.2 The representations on flood risk contend that the original FRST submitted as part of the application was not sufficiently transparent or robust. In particular, concerns are raised that the report applied a 5 to 20 hectare site size filter without adequate justification; defined the development needs with reference to specific elements of the scheme (including the village centre, employment floorspace, allotments and community woodland), and that the report did not adequately consider all potentially suitable lower risk sites within or adjoining Latchingdon.

1.3 Specific reference is made to the Steeple Road site (Housing and Economic Land Availability Assessment (HEELA) sites LD5 and LD12 and the subject of application ref 25/00894/OUTM). It is argued that this land should have been fully assessed as a potentially suitable lower risk alternative, rather than being excluded by reference to site area, ownership, promotion by another party or the scale of the current proposal. The representations refer to the previous appeal decision and submit that the proposal should not proceed unless the FRST has been carried out on a sound and complete basis.

1.4 Further representations also question whether the updated NPPF Policy S5(1)(j) can be satisfied in the absence of current foul water capacity – in other words whether it is appropriate to rely on a condition requiring a future drainage solution; and whether cumulative highway impacts and the delivery of planning obligations have been adequately considered.

2. ADDITIONAL APPLICANT INFORMATION

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

3. FLOOD RISK SEQUENTIAL TEST

3.1 A FRST is required for the proposed scheme given that the application site is unallocated and the proposal does not fall within any of the exemptions in NPPF Policy F5. This is consistent with the Inspector's conclusion relating to the previous appeal. The previous appeal however did not conclude that the development could not be made safe from flood risk - the Inspector's concern related to whether the alternative site exercise undertaken at the time had sufficiently demonstrated that there were no reasonably available lower risk alternatives.

3.2 In the published committee report, Officers considered that the submitted February 2026 Sequential Test, read alongside the appeal decision, the Council's evidence on land availability and the information available for relevant alternative sites, provided a proportionate assessment of realistic lower risk alternatives. That conclusion reflected the scale and nature of the proposal, its anticipated catchment, the need for delivery within a comparable period, and the status and availability of sites identified through the Council's evidence base. Officers were satisfied that no reasonably available lower risk sites had been identified and therefore the proposed development passes the sequential test

3.3 The representations that have been received since publication of the report seek further explanation as to the methodology used in the February assessment, including the former 5 to 20 hectare screening range, the description of the development needs and the treatment of individual HEELA sites, particularly LD5 and LD12 at Steeple Road.

3.4 In response to the comments made by residents, the applicant has submitted a more detailed Sequential Test Addendum which provides a more detailed reconciliation with the Council's HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives.

3.5 The Addendum acknowledges that the FRST is required and confirms that the exemptions in NPPF Policy F5 do not apply. It no longer uses the former 5 to 20 hectare screening range, and instead considers the capacity of potentially relevant sites to accommodate the development need. It also defines that need as up to 140 dwellings, including 40% affordable housing, within

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

3.6 The Addendum provides a more detailed update of the sites considered against the Council's HEELA evidence and considers the sites within and adjoining Latchingdon without applying a gross site area threshold. Specifically it confirms that sites LD4 (Land north of Burnham Road, east of Elder Road and LD6 (Land off Steeple Road) are now committed and under construction; sites LD7 (Land adjacent Springwood, Rectory Lane) and LD9 (Land at Coppingers, Maldon Road) are now committed; LD11 (Mayfair, Maldon Road) has been taken forward for employment development; and LD10 (Land rear of Red Lyon Lodge, Burnham Road) and ALT8 (Land adjacent Pedrossi, Burnham Road) are assessed as unsuitable. LD8 (Red Lyons House and Fairfield, Burnham Road) is the subject of an undetermined outline application for up to 47 dwellings. Officers do not consider that LD8 alone, or in combination with another identified reasonably available lower risk site, has been demonstrated to be capable of meeting the relevant development need within a comparable timescale.

3.7 The representations question certain aspects of the February 2026 methodology – in particular the use of a site size range and the presentation of the assessment of individual HEELA sites. The applicant's Addendum addresses those points in greater detail and provides an expanded consideration of the HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives. The additional material assists in responding to the concerns raised and provides additional transparency.

3.8 The Addendum also expressly considers sites LD5 (Land north of Steeple Road) and LD12 (Land east of Maldon Road, north of The Street), which form the Steeple Road site subject of a current application ref 25/00894/OUTM. This is the closest and most relevant comparator to the application site. The land has not been excluded on grounds of ownership, promotion by another party, gross site area or the quantum currently sought through that separate application.

3.9 The flood risk information submitted in respect of the Steeple Road application identifies that, in order to address potential flood levels, parts of the indicative residential areas of the site would be affected by floodwater and would require land raising and finished floor level mitigation. By comparison, the submitted modelling for the application site indicates that the residential development parcels would not lie within the modelled flood extent; the relevant floodplain crossing is limited to the access road.

3.10 Officers have considered the submitted comparison alongside the Council's HEELA evidence and the flood risk information available for both schemes. On the evidence available, the Steeple Road land has not been demonstrated to be at a lower flood risk for residential development than the application site. It is therefore not a lower risk alternative for the purposes of Policy F5, irrespective of the difference between the current application quantum at Steeple Road and the 140 dwelling proposal.

3.11 Having considered the representations made, and the applicant's response in the form of the Sequential Test Addendum, officers remain satisfied that the FRST is met, and that no reasonably available site or combination of sites have been identified with a lower risk of flooding within the anticipated catchment and capable of meeting the relevant development need within a comparable timeframe.

4. FOUL WATER DRAINAGE

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

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

4.2 Condition 15 would prevent commencement of development until a foul water strategy has been submitted to and approved by the Local Planning Authority. The strategy must demonstrate a deliverable route, identify the receiving water recycling centre and network, any required capacity improvements, the responsible undertaker and programme, or, if a public network route is unavailable, a lawful alternative treatment solution. The condition further prevents occupation until the necessary infrastructure has been completed and written confirmation of capacity and connection has been provided.

4.3 The previous Inspector considered this identical issue in detail and concluded that it could be addressed by a Grampian condition. The Inspector's conclusion remains a material consideration, and the amended NPPF requires a positive judgement on whether development is of a scale which can be accommodated, taking account of existing or proposed infrastructure availability; it does not require all infrastructure to be operational at the date of determination. As explained by the Inspector, Anglian Water has responsibility for planning and promoting necessary investment through its own planning processes. The condition requires that a solution is found prior to commencement and occupation, rather than a matter to be resolved after homes are occupied.

4.4 Accordingly, there is no change in the Council's position relative to the previous appeal. Existing foul water capacity has not been assumed - the recommendation relies on the condition only because it prevents development proceeding unless an appropriate foul water solution has first been demonstrated and then provided. On that basis, Officers remain satisfied that the infrastructure criterion in Policy S5(1)(j) is met.

5. HIGHWAYS

5.1 The late representations refer to the capacity of the local and wider Dengie highway network, the robustness of the submitted traffic assessment and potential cumulative effects of development proposals in the area.

5.2 Essex County Council, as Highway Authority, has considered the current proposal and maintains no objection. Its consultation response dated 22 April 2026 acknowledges reservations regarding elements of the trip generation and distribution assumptions, but confirms that the Highway Authority is satisfied that the development would not result in a severe effect on local highway safety or efficiency, which is the relevant NPPF test for refusal on highway grounds.

5.3 The Highway Authority's position is subject to conditions and obligations, including provision of the new site access, pedestrian and cycle connections, Public Rights of Way improvements, extension of the 30mph limit, a travel plan and monitoring, and a £425,000 contribution towards improving public transport links between the site and local destinations. No subsequent response from the Highway Authority has been received which alters that position.