



---

## Appeal Decision

Site visit made on 6 May 2025

by **S J Warder BSc(Hons) MA DipUD(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> June 2025

---

**Appeal Ref: APP/X1545/W/24/3357187**

**Land adjacent 86 Tollesbury Road, Tolleshunt D'Arcy, Essex, CM9 8UB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Professor Benjamin Binder against the decision of Maldon District Council.
  - The application ref is FUL/MAL/24/00299.
  - The development proposed is the erection of 5 dwellings and associated access road, parking and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 dwellings and associated access road, parking and landscaping at land adjacent 86 Tollesbury Road, Tolleshunt D'Arcy, CM9 8UB in accordance with the terms of the application, Ref FUL/MAL/24/00299 subject to the conditions in the attached schedule.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) has been updated since the appeal was submitted. However, while the numbering of paragraphs relevant to this appeal has changed, for the most part, their substance has not. The exception is housing land supply and I deal with this matter below. I have taken into account the updated Framework and referred to its paragraph numbering in this decision.
3. The appellant's appeal submission included additional plans (references A102.C, A104.B and A105). These show changes to the window positions and boundary treatment for the proposed Chestnut House and are intended to address the third reason for refusal. I consider that the changes to a limited number of windows in one house, on elevations which would not be prominent in public views, are not substantial. Moreover, the Council and interested parties had the opportunity to comment on the additional plan in their appeal submissions. As such, I have taken them into account.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the site, the Tolleshunt D'Arcy Conservation Area (CA) and the settings of the Grade II listed buildings (LBs) at D'Arcy House and D'Arcy Cottage;
  - whether sufficient information has been submitted to properly assess the effect of the proposal on European Protected Species (bats);

- the effect of the proposal on the living conditions of the occupiers of 86 Tollesbury Road with particular regard to privacy;
- the effect of the proposal on Essex Coast European designated sites.

## Reasons

### *Character and Appearance*

5. The appeal site was the subject of a dismissed appeal for 23 dwellings (APP/X1545/W/19/3237232). The Inspector in that case identified the relevant aspects of the CA which give it significance as its landscape setting, linear street pattern, rural feel and the rich mix of historic buildings. The Inspector further cited the Council's Tolleshunt D'Arcy Conservation Area Review and Appraisal (CAA) which recognises that the appeal site is an Important Green Space with notable views towards it from Tollesbury Road and South Street. He also referred to the history of the site including its links with D'Arcy House and association with prominent local residents Dr Salter and Margery Allingham. Having regard to the additional evidence presented in this case, including use of the land for village events, I agree with this characterisation of the site.
6. While there is no public access, the size, shape and position of the site, together with the presence of extensive mature tree planting, mean that it makes a positive contribution to the character of the CA. In particular, the prominent tree lined boundary to Tollesbury Road and the more subtle, but repeated views of trees between the buildings along South Street provide a reminder of the links between the settlement and the surrounding rural landscape and serve to reinforce the distinctive linear pattern of buildings lining the highways. Although D'Arcy Way is outside the CA, the views of the appeal site trees obtainable between the buildings on its west side enhance the character of that area.
7. Many of the trees on the site are subject to Tree Preservation Order TPO 2/90, although the appellant's Arboricultural Impact Assessment finds that none of the most valuable Category A trees need to be removed as part of the proposal. Some 32 Category B trees, together with Category C and uncategorised trees would be removed and pruning works carried out. The scheme makes provision for a limited number of replacements.
8. The current proposal for five dwellings would allow for the retention of considerably more existing planting than the previous scheme, the area proposed as community woodland would be larger and the developed area reduced to allow for an area of grassland towards the north of the site. The access onto Tollesbury Road would be reduced in width and the height of the proposed dwellings closest to the LBs would be reduced to one storey. I agree with the Council's Conservation Officer that the form, style, materials and details of the proposed houses would be largely in keeping with the character of the historic houses in the area.
9. The previous Inspector found that there was much to commend that scheme and the changes in the current proposal would further reduce the effects on the CA. It would still introduce built development into a wooded space whose size and depth are integral to its contribution to the significance of the CA. However, there would be considerably greater retention of tree cover particularly along the east and west boundaries. As such, I consider that the contribution made by those trees to the

views from South Street identified in the CAA would change little. The same would be true of views from D'Arcy Way.

10. The proposed access would be reduced in size and I note that the Council acknowledges that the tree to be removed to create the access is of less amenity value than that proposed to be removed in the previous scheme. Nevertheless, there would be a break in the presently uninterrupted line of trees along the Tollesbury Road frontage. This would also allow a view of the hard-surfaced access road leading into the site and a glimpse of Chestnut House. I have already found that the appearance of the proposed dwellings would be in keeping with the area and the view into the site would be framed by existing and new planting. The overall impression of the tree-lined boundary along Tollesbury Road would be little diminished. Together with my finding on the effect on views from South Street therefore, I consider that the proposal would have a very limited effect on the site's contribution to the CA as an important green space and its role in linking to the wider rural landscape.
11. The proposed site layout uses a meandering cul de sac, which, by virtue of the retained planting would have an arcadian quality. This would not be characteristic of the pattern of building in Tolleshunt D'Arcy, where, as the CAA recognises, buildings line and have a stronger association with the highways. However, there are other culs de sac in the area. Given the enclosed nature of the site, it would be seen as something of an enclave - within the settlement, but slightly separated from it. This would limit its effect on the CA as a whole. The arcadian layout would respond to the objective of retaining and working around the existing tree cover and this offers a further rationale for the departure from the prevailing street layout. The proposed layout would not offer other connections to the surrounding area. Nevertheless, as the previous Inspector found, the lack of connectivity would not constrain accessibility to local facilities for future occupiers and, of itself, would not have a harmful effect.
12. The previous Inspector found that the proposal would not have a harmful effect on the setting of D'Arcy Cottage. The Council reached the same conclusion regarding the current scheme and, given the changes from the previous scheme outlined above, I see no reason to disagree.
13. The appeal site has a closer historic association with D'Arcy House as well as former residents Dr Salter and Margery Allingham. I note that the walled garden of D'Arcy House has been identified as a historic park and garden by the Essex Garden Trust. There is little dispute between the main parties over the evolution of the site as a result of its associations with D'Arcy House and its former residents. It would appear that much of the current planting was done as a memorial to Margery Allingham. The current condition of the site therefore has heritage significance, although its appreciation is limited by the lack of public access.
14. The appeal proposal would increase public access, particularly through the creation of the community woodland. While this would be at the expense of the development of other parts of the site, the increased size of the community woodland compared with the previous scheme would aid its function as an open space as well as retaining more trees. Elsewhere, the retention of trees around the proposed dwellings, together with the loose spacing of the buildings, would allow the planting to retain its prominence and, to a substantial degree, maintain the integrity of the site as a whole as a wooded area.

15. Conditions could be used to secure a method statement to ensure the protection of retained trees and works to trees, as well as the approval and implementation of a detailed landscaping scheme, including new tree planting. With this mitigation in place, I consider that the proposal would not have a harmful effect on the arboricultural value of the site.
16. Overall, the heritage significance of the site as a memorial to Margery Allingham would be little diminished by the proposed development and slightly enhanced by the introduction of public access.
17. The physical encroachment of development into the tranquil setting of D'Arcy House and garden would be confined to Lime Cottage, a single storey dwelling with a lean-to projection sited some 5m from the boundary and an access to a single property at Campions Lodge. Built development in the vicinity of the rear garden would be, therefore, modest in its form and the level of activity. Much of the existing planting in this part of the site would be retained. Consequently, I find that the proposal would have a limited effect on the setting of D'Arcy House and its historic associations with the appeal site.
18. In summary, I find that the proposal would have a limited adverse effect on the significance of the CA due to the reduction in tree cover, the break in the Tollesbury Road tree line to create the access and the introduction of built development with a cul de sac layout. The harm to the setting of D'Arcy House LB and its historic garden would be similarly limited and there would be no harm to the setting of D'Arcy Cottage. The harm to the character of the site would be correspondingly limited.
19. Among other things, policies S1, D1, D3 and H4 of the Maldon District Local Development Plan (LP) seek to preserve or enhance the special character and appearance of areas, the setting of heritage assets including their streetscape and landscape value, respect and enhance the character and local context and maximise connectivity between development and its surroundings. Policy N1 presumes against the loss, degradation or fragmentation of green infrastructure. There would be conflict with each of these policies although, for the reason set out above, the degree of conflict would be small.
20. Paragraph 212 of the Framework advises that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Together, the effects I have found fall at the lower end of the less than substantial harm category identified in Framework paragraph 215, but are nevertheless of considerable importance and weight. Paragraph 215 requires such harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I do this under the heading of 'Other Considerations' below.
21. In reaching these conclusions I have had regard to the duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the listed buildings and preserving or enhancing the character or appearance of the CA.
22. The first reason for refusal also cites LP Policy N2. However, this policy deals with the natural environment and biodiversity and is therefore of little assistance in my consideration of character and appearance and historic environment matters.

### *Protected Species*

23. The Council considers that further transect survey effort is required, or that further justification should be provided for the survey information submitted, to demonstrate that the proposal would not have an unacceptable impact on bats.
24. The appeal submissions include an updated report by Hybrid Ecology dated October 2024. It includes details of a further night-time bat walkover survey which essentially confirms the earlier findings of relatively low bat activity and which is considered to be representative of any garden situation. Further justification for the level of survey effort undertaken includes, among other things, no tree roosts being identified, the site's generally decreasing habitat value to bats due to the lack of recent habitat management and the proposed retention and management of existing woodland.
25. The Council had the opportunity to comment on these findings in its final submissions, but did not do so. I see no reason to disagree with the appellant's updated report and find that sufficient information has been provided to demonstrate that the proposal would not have an unacceptable effect on bats.
26. As such, I find that the proposal would accord with LP Policies S1, N1 and N2 insofar as they seek to safeguard protected species. It would also accord with the Framework to the extent that it has similar aims.

### *Living Conditions of Neighbouring Occupier*

27. No 86 Tollesbury Road is a bungalow with accommodation in the roof space. It has fairly large ground floor windows and rooflights facing the site at short range which could be potentially overlooked by future occupiers of Chestnut House. The revised plans for that dwelling (see paragraph 3 above) omit all openings facing No 86 except for a panelled door, a rooflight and a high-level window. A fence would be erected on the boundary. I consider that the revised proposal would be effective in preventing the opportunity for overlooking and therefore maintaining the privacy of the occupiers of No 86.
28. There is no substantive evidence to show that the proposal would cause other harm to the living conditions of those occupiers. The proposal would, therefore, comply with LP policies D1 and H4, as well as the Maldon District Design Guide and the Framework. Among other things, they require proposals to achieve high quality design and to avoid unacceptable impacts on the living conditions of nearby occupiers.
29. The third reason for refusal also refers to LP policies N1 and N2. However, they concern green infrastructure and the natural environment and therefore are of little assistance in my consideration of the living conditions of existing occupiers.

### *European Designated Sites*

30. The appeal site is within the zone of influence for the Essex Coast European Sites where the Council's Habitat Regulations Assessment (HRA) has found that residential development is likely to have a significant effect on the interest features of the Sites. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) seeks financial contributions in mitigation of this effect. The appellant does not dispute the assessment, or the need for a contribution.

31. The appellant has submitted a completed planning obligation dated 3 December 2024 which secures the necessary RAMS contribution among other things. Having regard to the requirements of the HRA and RAMS, I am content that this element of the obligation is necessary to make the proposal acceptable in planning terms and meets the other tests in Regulation 122 of the Community Infrastructure Levy Regulations (CIL) and Framework paragraph 58. The mitigation secured would ensure that the proposal would not have an unacceptable effect on Essex Coast European designated sites and would comply with LP Policies S1, D1, N1 and N2. These policies require proposals to conserve and enhance the natural environment, including the biodiversity of designated sites.

### **Other Matters**

32. A range of concerns have been expressed locally. I have dealt with heritage, character and appearance and biodiversity matters above. In doing so I have had regard to concerns over shortcomings in the appellant's submissions including its policy assessment. The Shimizu case cited by one objector concerned partial demolition of a listed building and is therefore of little relevance to the appeal proposal.
33. The appellant's planning obligation is intended to secure financial contributions to the RAMS and habitat creation as well as the provision of the community woodland. While these provisions would not prevent the harm to heritage assets, the community woodland provision could be relevant in balancing that harm with any public benefits of the proposal as required by Framework paragraph 215. As such, the balancing process is established in national policy and its use in this case would not set a precedent. I consider below whether the habitat contribution and community woodland provisions meet the CIL tests.
34. I note that the Council and its consultees consider that the site is reasonably accessible and that the proposal would not put undue strain on local infrastructure or the highway network or pose a risk to highway safety. Having regard to the modest scale of the proposal and the provision of an access which would have the required visibility splays, I see no reason to disagree, notwithstanding the proximity of the school on the south side of Tollesbury Road.
35. The second reason for refusal is limited to the potential effect of the proposal on bats. However, the officer report and consultation responses also refer to the effect of the proposal on habitats, although they find that the woodland does not qualify as a priority habitat. The report identifies the need for compensatory measures. Interested parties have referred to the Essex Wildlife Trust designating the site as a 'biodiversity hotspot' in 2019, although I note that the Trust has not commented on the current proposal at the application or appeal stages.
36. The planning obligation submitted with the appeal would secure a financial contribution to compensate for habitat loss through tree planting or other measures aligned with the Council's Green Infrastructure Strategy. I consider that this is necessary in order to make the development acceptable in planning terms. The contribution would be directly related to the proposal and reasonable in scale and kind, thereby meeting the CIL tests. Notwithstanding locally expressed concerns, there is no substantiated evidence that the proposal would have a harmful effect on other protected species or valued habitats. With the compensation in place, the proposal would not conflict with LP Policies S1, N1 or N2 to the extent that they

seek to protect and enhance biodiversity, green infrastructure, protected species and priority habitats.

37. The grassland proposed at the northern end of the site has the potential to add biodiversity value. There would be natural surveillance from the occupiers of the nearby proposed dwellings and therefore I consider that it would be unlikely to attract fly-tipping or anti-social behaviour. Given the modest scale of the proposal, I consider that it would not have material effects on local levels of pollution or air quality.
38. The existence or otherwise of historic legal covenants covering the land is a separate matter and it would be for the developer to satisfy itself regarding any effect they may have on its ability to develop the site. Similarly, the financial viability of the scheme is a matter for the developer. Any potential changes to the scheme would need to be the subject of a further application. The identity and nationality of the appellant is not a planning matter.

### **Other Considerations**

39. The appellant's final comments refer to the December 2024 revision of the Framework which, among other things, changes the way in which the requirement to maintain a five year supply of housing land is calculated. The submitted evidence indicates that the Council's housing land supply has fallen from 6.3 years when the application was determined to 2.7 years now. The Council has not disputed the latest figure. The latest figure represents a considerable shortfall and, although the number of new dwellings proposed is modest, Framework paragraph 61 seeks to boost the supply and variety of homes. Moreover, the mix of unit sizes proposed aligns with the Council's Local Housing Needs Assessment and is therefore supported by LP Policies S1 and H2 which seek an appropriate housing mix. Consequently, the delivery of new housing carries significant weight in favour of the proposal. The contribution of spending by future occupiers to local businesses would also be a small economic benefit.
40. There is nothing to suggest that there is a shortfall in open space provision locally and I note that the Inspector for the previous appeal questioned the size and function of the community woodland then proposed. Nevertheless, the community woodland now proposed would be double the size and would have a separate pedestrian access. As such, it would be more usable and add to the range of open spaces available to the community. Perhaps more importantly, given that I have already found that the integrity of the wooded area would be largely maintained, the proposed public access would allow greater appreciation of the heritage significance of the site as a memorial to Margery Allingham. As the earlier Inspector commented, some form of interpretation of the site's history would be helpful in this regard. This could be secured through the community woodland provisions in Schedule 2 of the planning obligation.
41. Overall therefore, I consider that the community woodland would offer a worthwhile public benefit. On this basis, the planning obligation to secure the community woodland would meet the CIL tests in being necessary to make the development acceptable and directly and fairly related in scale and kind to the development.
42. I have found that the delivery of new housing carries significant weight in favour of the proposal. There would be more modest economic benefits and the community woodland would offer a modest social benefit. The habitat financial contribution

would do no more than compensate for habitat loss and therefore has a neutral weighting. On the other hand, I have found that the proposal would cause harm to the significance of the CA and the setting of D'Arcy House and recognise that this must be given great weight. However, in both cases the effects would be limited. In terms of the balance required by Framework paragraph 215, I consider that the public benefits would outweigh the less than substantial harm to the heritage assets.

### Conditions

43. The Council has suggested a list of 32 conditions and the appellant has commented on them. I have reviewed the conditions in light of the tests at Framework paragraph 57. Some of the appellant's comments would give approval to previously submitted landscaping and tree protection plans and specifications. However, given that the application was refused, it is not clear that the Council and its consultees have endorsed these details. Therefore, I have retained the Council's suggested wording which requires these details to be subject to further approval.
44. I have amended suggested condition 2 (approved plans) to correct the reference to the Apple House plan and to include the highway access layout plan referred to in suggested conditions 9, 10 and 12. I have adopted the appellant's suggested condition 13 (Tollesbury Road bus stop) since it more closely follows the 'Grampian style' format. I have also followed the appellant's suggested amalgamation of the Council's conditions 8 and 25 (construction management plan). Minor amendments to other conditions are for precision and clarity.
45. A condition specifying the approved plans is necessary in the interests of certainty. A landscaping condition is required to safeguard the character and appearance of the area. Surface water drainage conditions are required to minimise flood risk. A condition to secure a construction management plan is required in the interests of highway safety and to protect the living conditions of nearby occupiers. Conditions dealing with the highway layout and specification are also required in the interests of highway safety. Conditions on improvements to the Tollesbury Road bus stop, cycle parking and Residential Travel Information Packs are necessary to meet sustainable travel objectives.
46. Conditions on archaeological assessment and a programme of works are required to protect that historic resource. Conditions to secure tree protection, a construction environmental management plan, ecological mitigation and enhancement and a lighting design strategy are required to preserve and enhance biodiversity.
47. A condition on foul drainage is necessary in the interest of public health. Conditions on external joinery, wall and roof materials, means of enclosure, brickwork bonding and floor and garden levels are all required to safeguard the character and appearance of the area. Given the site's location within a CA, a condition withdrawing certain permitted development rights is also justified to preserve the character and appearance of the area.

## **Planning Balance and Conclusion**

48. There is nothing to suggest that the development plan policies relevant to the determination of the appeal are not consistent with the Framework. However, there is a considerable shortfall in housing land supply and I have found that the proposal would result in only limited conflict with LP Policies S1, D1, D3 and H4 with regard to heritage and character matters. There would be no conflict with the other LP policies cited in the reasons for refusal and some support from Policies S1 and H2 with regard to the mix of housing proposed. Consequently, the conflict with the development plan as a whole is very limited.
49. Since the available evidence indicates that the Council cannot demonstrate a five year housing land supply, Framework paragraph 11(d)(i) requires planning permission to be granted unless Framework policies that protect, among other things, heritage assets, provide a strong reason for refusal. As I have found that public benefits outweigh the harm to the heritage assets, that matter does not provide a strong reason for refusal and, therefore, the tilted balance in paragraph 11(d)(ii) applies.
50. Given the significant weight in favour of the proposal due to the delivery of housing and the very limited other harms, I find that adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Consequently, material considerations indicate that the appeal should be determined other than in accordance with the very limited conflict with the development plan.
51. For the reasons given above the appeal should be allowed.

*S J Warder*

INSPECTOR

## **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - P101 – Site Plan
  - A100.B – Lime and Hawthorn Cottage Plans and Elevations
  - A101.B – Apple House Plans and Elevations
  - A102.C – Chestnut House Plans and Elevations
  - A103.B – Oak House Plans and Elevations
  - A104 B – Roof Plans
  - P110.D – Tree Change
  - P100.H – Site Plan
  - A105 – Site Plan – Views
  - V100.G – Location Plan
  - REDW-3498-403 - Highway Access Layout
3. No development above slab level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have

been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities;
- b) A planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support;
- c) An aftercare and maintenance programme;
- d) Wall design with brick types, construction design and dimensions;
- e) Paved surfacing, with materials finishing and edgings.

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

4. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
  - a) Infiltration testing in line with BRE 365;
  - b) Provision of attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change;
  - c) Detailed engineering drawings of each component of the drainage scheme;
  - d) A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features;
  - e) An updated drainage strategy incorporating all of the above points including matters already approved and highlighting any changes to the previously approved strategy.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
6. Prior to first occupation a Maintenance Plan detailing the maintenance arrangements, including who is responsible for each element of the surface water drainage system and the maintenance activities/frequencies for each parcel, shall be submitted to and agreed in writing by the local planning authority. The scheme

shall subsequently be implemented as approved. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

7. The applicant or any successor in title must maintain yearly logs of maintenance of the surface water drainage scheme, which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.
8. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel and underbody washing facilities;
  - e) no waste materials shall be burnt on the site, instead being removed by licensed waste contractors;
  - f) no dust emissions shall leave the boundary of the site;
  - g) the duration of noisy activities and their location at the periphery of the site shall be minimised;
  - h) hours of works: works shall be undertaken only between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

In the event that work outside of these hours is required, or that there will be periods of excessive noise that would significantly impact on sensitive receptors, Environmental Health at Maldon District Council must be notified and, affected receptors consulted, prior to the works as soon as is reasonably practicable.

9. Prior to first occupation of the development, as shown in principle on planning drawing no. REDW-3498-403, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 56m in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
10. Prior to first occupation of the development the access arrangements and off-site highway works, as shown on planning drawing no. REDW-3498-403, shall be fully implemented and retained as such for the life of the development.
11. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
12. Prior to any above ground development, details of the pedestrian connection from the highway footway to the community woodland, as shown in principle on planning drawing no. REDW-3498-403, shall be submitted to and approved in writing by the local planning authority. The pedestrian connection shall be implemented in accordance with the approved details prior to first occupation of the development,

13. Prior to occupation of any dwelling, a scheme of highway works to improve the existing bus stop on Tollesbury Road, opposite the proposed development site, shall be provided with raised kerbs, a new pole and flag, and timetable information display. The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.
14. Prior to first occupation of the development, cycle parking shall be provided in accordance with the Maldon District Vehicle Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
15. Prior to first occupation of the development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved in writing by the local planning authority in consultation with Essex County Council. The Packs shall include six one day travel vouchers for use with the relevant local public transport operator. These packs (including vouchers) are to be provided by the developer to each dwelling free of charge.
16. No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority.
17. No development including any site clearance or groundworks of any kind shall take place within the site until the developer has secured the implementation of the approved programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
18. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - a) A tree retention protection plan:
  - b) An arboricultural method statement (including drainage, service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.
19. Prior to commencement of the development, a construction environmental management plan ((CEMP Biodiversity)) shall be submitted to and approved in

writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) A risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

20. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, August 2023) as submitted with the planning application. This may include the appointment of an appropriately competent person eg an ECoW to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

21. Prior to first occupation of any dwelling on the site, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
- e) Persons responsible for implementing the enhancement measures;
- f) Details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details prior to first occupation and shall be retained in that manner thereafter.

22. Prior to first occupation of any dwelling, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
23. All external lighting shall be installed in accordance with a timetable to be agreed in writing by the local planning authority and carried out and maintained thereafter in accordance with the approved strategy. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.
  24. No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
  25. All external joinery, including windows, doors, door surrounds, weatherboarding, bargeboards, fascias and soffits, shall be of painted timber.
  26. High-quality photographs of the bricks, tiles and slates to be used on the dwellinghouses, together with information on their source, shall be submitted to and approved in writing by the local planning authority prior to their use. All new brickwork shall be laid in Flemish bond. The development shall be undertaken in accordance with the approved details and retained as such.
  27. Scaled elevation and plan drawings of any new boundary fences, walls and gates detailing their location, design, materials and finish, shall be submitted to and approved in writing by the local planning authority prior to their erection. The development shall be undertaken in accordance with the approved details and retained as such.
  28. The design, content and location of an interpretation board explaining the heritage significance of the site shall be submitted to and approved in writing by the local planning authority prior to its installation. The interpretation board shall be installed prior to the occupation of the fifth house on the site.
  29. Prior to the commencement of the development hereby approved, full details of both the finished levels, above ordnance datum, of the ground floor of the proposed building and of the finished garden levels and hard and soft surfaces in relation to existing ground levels to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of any dwelling hereby permitted, the provision of any building within the curtilage of any dwelling, or alteration of any

dwelling, as permitted by Classes A, AA, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

**End of schedule**