

28 October 2025



Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



APOLOGIES: Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 5 NOVEMBER 2025 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON	Councillor M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen



**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 5 NOVEMBER 2025**

---

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting**

To confirm the Minutes of the meeting of the Committee held on 8 October 2025 (copy to be distributed in a supplement to follow).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **25/00473/OUTM and 25/00474/OUTM, Land Adjacent Westerings, Purleigh**  
(Pages 7 - 46)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

6. **25/00616/OUT - Land Adjacent Crispins Roots Lane, Wickham Bishops** (Pages 47 - 72)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

7. **25/00022/FUL - Land at The Warren Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter** (Pages 73 - 84)

To consider the report of the Director of Place, Planning and Growth (copy enclosed, Members' Update to be circulated)\*.

8. **Any other items of business that the Chairperson of the Committee decides are urgent**

---

**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos.6 and 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)
  - \* Please note the list of related Background Papers attached to this agenda.
5. In line with the Council's Public Speaking Protocol this facility will not operate in relation to Agenda Item 5

**NOTICES****Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

**Fire**

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

**Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

**Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third-party representations and consultation replies received.
3. The following Statutory Development Plans and Other Material Considerations:

### Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

### Other Material Considerations

#### Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [The Town and Country Planning Act 1990](#) (as amended)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [The Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [The Neighbourhood Planning \(General\) Regulations 2012](#) (as amended)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended)
- [Growth and Infrastructure Act 2013](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

#### National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

#### Guidance, Supplementary Planning Documents (SPD) and Design Statements

##### *National-scale*

- [National Planning Practice Guidance](#)

##### *Sub-Regional / Essex-scale*

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

##### *District-scale*

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

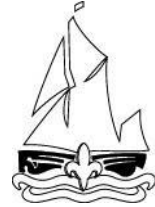
### *Local-scale*

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

### *Maldon District Local Development Plan Review Evidence Base*

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
  - [Assessment of Selected Sites](#)
  - [Maldon District Local Wildlife Sites Register 2022](#)
  - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
  - [Appendix G](#)
  - [Appendix H](#)
  - [Appendix I](#)
  - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



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

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2025**

<b>Application Number</b>	<b>25/00473/OUTM AND 25/00474/OUTM</b>
<b>Location</b>	Land Adjacent Westerings, Purleigh
<b>Proposal</b>	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
<b>Applicant</b>	Rosconn Group
<b>Agent</b>	Mrs Samantha Stephenson - Phase 2 Planning
<b>Target Decision Date</b>	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>Purleigh</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan Major Application

## **1. BACKGROUND**

- 1.1 The applications were reported to the North Western Area Planning Committee on 8 October 2025 with the following recommendations:

**25/00473/OUTM** That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**25/00474/OUTM** To **APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

- 1.2 The previous Committee report is attached at **APPENDIX 1**.
- 1.3 Following a discussion at the Committee meeting, it was clear that Members were minded to overturn the Officer recommendations. Given this potential overturn, and in accordance with the Council's Constitution, the 'constitutional brake' was invoked.
- 1.4 The purpose of this report is to provide further advice to Members on the potential reasons for refusal.

## **2. DISCUSSION OF THE SUGGESTED REASONS FOR REFUSAL / RELEVANT POLICIES**

- 2.1 Paragraph 11d of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be

granted unless, at 11d)ii, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to:

- key policies for directing development to sustainable locations,
- making effective use of land,
- securing well-designed places and
- providing affordable homes,

2.2 The above impacts are to be taken individually or in combination.

2.3 As identified by Members, the main area of concern was regarding the site being in an unsustainable location with poor access to, and provision of, public transport. The relevant policies within the Maldon District Approved Local Development Plan 2017 relating to these issues include the following:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- T1 Sustainable Transport
- I1 Infrastructure and Services

2.4 A suggested reason for refusal for both applications could include the following:

*The Council's strategic policies seek to focus growth in the District's main settlements of Maldon, Heybridge and Burnham-on-Crouch as they constitute the most suitable and accessible locations in the District. The proposal would introduce residential development beyond the settlement boundary of Purleigh, identified as a 'smaller village' in Policy S8 which provides limited services, facilities and employment opportunities, where the principle of the proposed development is not supported. The site is not well located in terms of access to and provision of public transport and access roads to and from the village are constrained and narrow. The majority of journeys to and from the site would be reliant on travel by private car. Accordingly, the proposal would result in unsustainable development.*

*Paragraph 11d)ii of the National Planning Policy Framework provides that applications should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the proposal:*

- *is contrary to key policies for directing development to sustainable locations, and*
- *in the absence of a legal agreement, does not provide affordable homes.*

*The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the LDP and the National Planning Policy Framework taken as a whole. The proposal conflicts with the development plan's spatial framework contrary to Policies S1, S2, S8, I1, and T1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.*

2.5 If Members are minded to refuse permission, there would also need to be a reason for refusal relating to the lack of a Section 106 legal agreement to secure affordable housing and management of open space, and contributions towards healthcare, education, libraries, public transport and the Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Suggested drafting for a reason for refusal for both applications could include the following:



*In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to include:-*

- adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;*
- adequate provision to secure the completion, management and maintenance of the public open space, or the provision of the necessary contributions towards education, libraries, public transport and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1, T1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework*
- adequate provision to secure on- and off-site Biodiversity Net Gain in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.*
- a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.*

### **3. SUMMARY**

- 3.1 Members are invited to determine the applications having regard to the Officers' recommendation or otherwise, having regard to the decision they were minded to make and the advice and information contained in this follow-up report.
- 3.2 If Members are minded to refuse the applications, in accordance with the appeal protocol, the Committee should nominate a Member to represent the Council at appeal.

This page is intentionally left blank

**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
8 OCTOBER 2025**

<b>Application Number</b>	<b>25/00473/OUTM and 25/00474/OUTM</b>
<b>Location</b>	Land Adjacent Westerings, Purleigh
<b>Proposal</b>	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
<b>Applicant</b>	Rosconn Group
<b>Agent</b>	Mrs Samantha Stephenson - Phase 2 Planning
<b>Target Decision Date</b>	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan Major Application

**1. RECOMMENDATION**

**25/00473/OUTM**

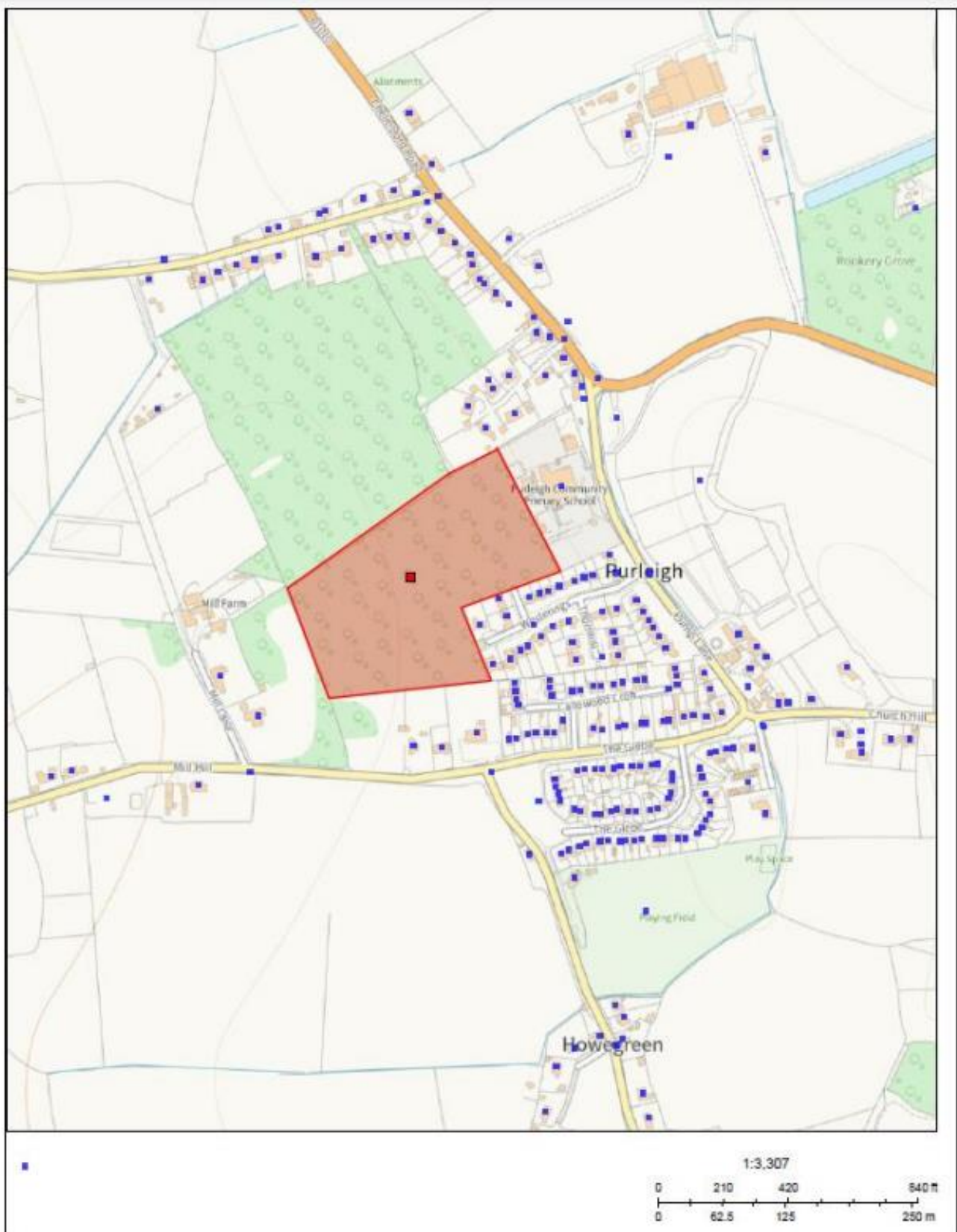
That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**25/00474/OUTM**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.



### 3. **SUMMARY**

#### 3.1 **Proposal / brief overview, including any relevant background information**

##### Site description

- 3.1.1 The site lies to the west of the village of Purleigh and is approximately 3.48 hectares in size. The site consists of an open undeveloped field comprising primarily grassland, with some individual mature trees within the site. The site is enclosed on all sides by woodland, hedgerows and residential development. The site rises upwards from the east to the west.
- 3.1.2 To the east of the site, is the Purleigh Community Primary School and its playing pitches. Residential development is adjacent to part of the northern, eastern and southern boundaries of the site. This is predominately comprised of two storey detached and semi-detached dwellings. Further residential development lies to the west of the site, on Mill Lane. Purleigh Village Hall lies to the south of the site. A field lies to the north of the site which is also in the applicant's control.
- 3.1.3 A permissive footpath, 'Sally's Path', is within the site adjacent to 17 Westerings, connecting Westerings to the land to the rear of the village hall.
- 3.1.4 The site is outside but immediately adjacent to the settlement boundary of Purleigh. The site is within Flood Zone 1.

##### Background

- 3.1.5 Application 25/00473/OUTM has been appealed due to non-determination as the time taken to decide the application is beyond the statutory 13 week determination period for a Major application. As such, any decision taken by the Planning Committee on the Officers' recommendation can only be a 'minded to' decision. The power to determine this application now lies with the Planning Inspectorate. Application 25/00474/OUTM has not been appealed and was amended during the course of the application, removing a proposed school car park, making both applications identical. The decision making on this application will be as per normal Committee processes with the Council being the decision maker.

##### The Proposal

- 3.1.6 Outline planning permission is sought, with all matters reserved for subsequent approval except for access, for up to 55 dwellings with open space and relevant infrastructure.
- 3.1.7 The application is accompanied by a Framework Plan (drawing no. P05 Rev A) for approval which defines:
  - (a) The location of parcels of residential development within the overall application site boundary;
  - (b) The overall extent of land to be used for open space, play area, landscaping, surface water attenuation and other 'green infrastructure'; and
  - (c) The principal point of vehicular, pedestrian and cycle access into the site and an indication of routes of movement within the site.
- 3.1.8 Vehicular, pedestrian and cycle access to the site is proposed via an extension of Hawthornes into the site from the south, with footways extending on both sides of the carriageway.

### 3.1.9 The application is supported by the following documents:

- Framework plan
- Design and Access Statement
- Education Report
- Desk Study Appraisal
- Archaeology and Heritage Statement
- Health Impact Assessment
- Transport Assessment
- Food Risk Assessment
- Sustainable Drainage Report
- Arboricultural Assessment
- Landscape and Visual Impact Assessment
- Preliminary Ecological Appraisal (PEA)
- Ecological Impact Assessment
- Baseline Habitat plans
- Great Crested Newt District Licensing Certificate

## 3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, policies in relation to housing and spatial development are no longer applicable due to the Council's Five-Year Housing Land Position (5YHLS) being 2.7 years. The lack of a 5YHLS means that, as per paragraph 11d of the National Planning Policy Framework (NPPF), the 'tilted balance' is engaged, and the benefits and harms must be weighted in the planning balance.
- 3.2.2 Taking into account the facilities and services available in the village, together with access to of public transport, the site is in a sustainable location. This view is supported by Inspectors in planning appeal decisions.
- 3.2.3 The development would result in economic benefits associated with temporary jobs during the construction of the development and through occupants using the existing services and facilities.
- 3.2.4 There are social benefits as a result of the proposed development. The proposal would provide 55 new homes of which 40% (22 homes) would be affordable, thus it would make a significant contribution to the 5YHLS and help to address the shortfall in affordable housing.
- 3.2.5 Any other remaining planning matters can be addressed via conditions or through a Section 106 (S106) agreement. For the reasons set out in this report, the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.
- 3.2.6 As stated earlier, due to an appeal against non-determination, the Council does not have the power to decide the outcome of this application. Any decision taken on the Officers' recommendation would be a 'minded to' decision if the Local Planning Authority (LPA) had the power to do so. This is the case whether the Committee decision is to approve in accordance with Officers' recommendation or refuse against the recommendation.

#### 4. **MAIN RELEVANT POLICIES**

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

##### 4.1 **National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48 – 51 Determining applications
- 56 – 59 Planning conditions and obligations
- 61 - 84 Delivering a sufficient supply of homes
- 96 – 108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

##### 4.2 **Maldon District Local Development Plan 2014 – 2029 (LDP) approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

##### 4.3 **Relevant Planning Guidance / Documents:**

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2021) (LHNA)
- Green Infrastructure Strategy SPD
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

#### 4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

##### Highways

- 4.4.1 £170,000 is sought to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority required the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed.

##### Healthcare

- 4.4.2 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

##### Education

- 4.4.3 No obligations are sought for Early Years and Childcare and Primary Education.
- 4.4.4 Secondary Education - The demand generated by this development would require a contribution towards the creation of 11 additional places. A developer contribution of £302,412 index linked to Q3 2024, is sought to mitigate its impact on local Secondary School provision. This equates to £27,492 per place.
- 4.4.5 School Transport – No requirement for primary school transport. The closest secondary school to this development is Plume School. As this school is over 3 miles away from the development, they would be entitled to transport under the Education Transport policy, so there would be a requirement for a school transport contribution to this establishment. The cost of providing this is £65,417 Index Linked to 2Q 2023, applying a cost per Secondary pupil of £6.26.
- 4.4.6 Libraries - The suggested population increase brought about by the proposed development is expected to create additional usage of a local Library. A developer contribution of £4,279 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020.
- 4.4.7 The Monitoring Fee will be charged at a rate of £700 per obligation (financial and otherwise).

##### Affordable housing

- 4.4.8 In accordance with planning policy, 40% of all homes to be delivered either on site or via a commuted sum.

##### RAMS

- 4.4.9 As set out below, this is a requirement in order for the proposed development to pass the relevant tests under the 2017 Habitat Regulations.



## 5. **MAIN CONSIDERATIONS**

### 5.1 **Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow, at m, development which complies with other policies of the LDP.

#### Five-Year Housing Land Supply

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the LPA for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 year supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

#### Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is '*sustainable development*' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### *Environmental Dimension*

- 5.1.10 In this case, the application site is located adjacent to the settlement boundary of Purleigh which is defined within the adopted LDP as a 'smaller village'. However, the Rural Facilities Survey and Settlement Pattern (May 2023) ranks Purleigh as a 'medium village'. In terms of facilities and services in the village, there are the following:
- Purleigh Community Primary School
  - Purleigh Village Hall
  - Purleigh Community Shop (this sells all day-to-day foods such as milk and bread, it has a weekly fruit and veg box services, and is open 7 days a week)
  - The Purleigh Bell public house
  - Purleigh Cricket Club / Playing Fields
  - All Saints Church
- 5.1.11 There are bus stops on Pump Lane, the nearest bus stop to the application site is located approximately 350m to the south of the site at the junction of Pump Lane / The Glebe with Church Hill. Both east and westbound services operate from the same stop serving Maldon, Southminster, Bradwell-on-Sea, Chelmsford and Burnham-on-Crouch.
- 5.1.12 A footway provides access from the site to all of these services and facilities and the bus stops.

- 5.1.13 An appeal decision dating from 14 June 2021, for the erection of six dwellings at Novoli Farm, Pump Lane in Purleigh (20/00486/FUL, appeal ref. APP/X1545/W/21/3267889), is a relevant material planning consideration. The appeal was refused, however at para. 23 the Inspector stated *"The proposal would also be situated in an accessible location in close proximity of local shops, services, facilities that would be supported by future occupiers, thereby positively contributing to the vitality and viability of the local economy, including that of Purleigh. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles. These benefits would therefore meet relevant requirements of Policies S1 and H4 of the LDP."* This was given moderate weight by the Inspector due to the scale of the development in relation to the size of the village. This decision was taken when the Council did not have a 5YHLS, however the shortfall was minimal at 4.9 years' supply. Significant weight is given to this appeal decision.
- 5.1.14 This accords with more recent appeal decisions at Cold Norton (in the parish of Purleigh) and Stow Maries, both for two new dwellings. At Land adjacent to Eastholm, Latchingdon Road, Purleigh (24/00235/FUL, appeal ref. APP/X1545/W/24/3347605), the Inspector found that *"... although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LP, in the context of the rural district of Maldon, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, without undue reliance on private cars for long distance journeys"*. This decision was at a time when the Council did not have a 5YHLS.
- 5.1.15 In the more recent Stow Maries decision, dated 31 July 2025, (23/00977/OUT, appeal ref. APP/X1545/W/25/3362093) the Inspector considered the location to be sustainable and stated at para. 16:
- "Stow Maries is a small village that has limited services, but it is connected to the neighbouring village of Cold Norton by footpath. Cold Norton has services including a convenience store, primary school, pub, and golf/country club, and these are all accessible on foot from the appeal site. Whilst the nearby bus stop has a limited service, a sustainable mode of transport is available and given that services at Cold Norton are available on foot, future occupiers would not need to be reliant on a bus service. Whilst the pavement to Cold Norton is unlit, future occupiers would be able to safely use the footpath during daylight hours."*
- 5.1.16 The above appeal decisions are given weight as material planning considerations as the circumstances of both, in terms of provision of and access to day-to-day facilities and services, are similar to that of the application site.
- 5.1.17 The facilities and services in the village, the presence of the footway, together with bus services to Maldon and Chelmsford, limits the needs to travel by car and a genuine choice of transport modes are available in accordance with para. 105 of the NPPF. As such, and in accordance with the abovementioned appeal decisions, the location is sustainable.

#### *Economic Dimension*

- 5.1.18 The development would make a moderate contribution to the local economy through the construction of the proposed dwellings. The addition of up to 55 dwellings would also support the existing services and facilities in Purleigh through their use by the new residents. This would accord with para. 83 of the NPPF which supports sustainable development in rural areas advising that *"housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will*

*support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.*

### *Social Dimension*

- 5.1.19 The proposed development would provide new houses, including affordable housing. Accordingly, the proposal would contribute positively to the housing need in the District.

### Conclusion of principle of development

- 5.1.20 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal. Notwithstanding the current position regarding the Council’s 5YHLS, as noted earlier in this report, the site in a sustainable location and the development would positively support the existing services and facilities in the village and contribute positively to the housing provision, and affordable housing provision, for the District. These factors weigh heavily in support of the proposal in the planning balance. This is discussed further in the conclusion of this report.

## **5.2 Housing Need**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.3 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.
- 5.2.4 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District’s housing stock provides for a wide range of housing needs and offers choice. As this application is in Outline form, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. However, the submitted Planning Statement states at para. 6.13 that *“the development would comprise a mix of 1-4 bedroom properties and a mix of house types, to cater to a range of needs”*. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA.

## **5.3 Affordable Housing**

- 5.3.1 Policy H1 requires that all housing development of more than ten units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council’s strategic objectives on

affordable housing. The site is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide a minimum of 22 affordable dwellings on the site.

- 5.3.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day-to-day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.3.3 The LHNA identifies a tenure split of 75% Affordable / Social Rented and 25% Intermediate Housing.
- 5.3.4 The Council's Strategic Housing Department has advised that "Currently the greatest demand is for 3-bed 5 person rented houses. The longest a family (accepted as homeless) has been waiting in temporary accommodation in Band B Overcrowded needing a 3-bed property is 4 years 7 months. To meet this need Strategic Housing Services will be looking to support the provision of 3-bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021". It also advises that the NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.
- 5.3.5 To meet the increasing need for affordable housing for older people / people with a disability, Strategic Housing would request 1-bed 2 person bungalows (semi-detached or terraced) as part of the requirement percentage of smaller affordable homes and that these are rented properties with wet rooms / showers.
- 5.3.6 Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and /or no higher than Local Housing Allowance whichever is the lowest.
- 5.3.7 It is also noted that the Parish of Purleigh is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, DPAs in the East of England Schedule 7. If the Intermediate dwellings were to be provided as Shared Ownership, this restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property. However, it is possible for the Registered Provider to remove this restriction subject to the approval of both Homes England and MDC.
- 5.3.8 Strategic Housing Services supports the application and would welcome further discussion with the Applicant with regards to the mix, tenure and sizes of the affordable properties as per Policy H1 of the LDP / LHNA.

#### **5.4 Design and Impact on the Character of the Area**

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

## 5.4.2 Paragraph 131 of the NPPF states that:

*“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

## 5.4.3 Paragraph 139 states that:

*“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes...”*

## 5.4.4 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

## 5.4.5 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

## 5.4.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).

## 5.4.7 The proposed density would be between 30-35 dwellings per hectare, this is based on the net developable area. The Framework Plan would allow for a variation in density is proposed across the site to create character and identity, and to respond to the context of the site. Lower densities are proposed towards the west, creating a soft transition to proposed areas of public open space.

## 5.4.8 Large areas of open space are provided for within the site to provide for an appropriate layout and density to reflect the semi-rural / edge of village location. Details of layout, appearance, landscaping and scale would be dealt with at reserved matters stage.

## 5.5 Landscape and Visual Impact

- 5.5.1 Policy S1(9) seeks to conserve and enhance the natural environment and Policy S8 states that the *“countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. Policy D1(1) requires development to *“respect and enhance the character and local context and make a positive contribution in terms of... (inter alia) architectural style, height, scale and massing, landscape setting, layout, orientation and density”*. D1(2) requires that proposals *“provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces”*, and D1(3) requires that developments *“contribute positively towards the public realm and public spaces around the development”*. The policy, D1(4), states that proposals should *“protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight...”* and at D1(8) states that developments must *“contribute to and enhance local distinctiveness”*. Policy D2(5) refers to green infrastructure and states that *“Negative impacts on ecology, landscape and green infrastructure should be minimised”*. Policy N2 of the LDP seeks to protect and enhance sites of biodiversity and geodiversity.
- 5.5.2 Paragraph 135(c) of the NPPF states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*.
- 5.5.3 Paragraph 187 of the NPPF states that *“planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes...”* and *“(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”*.
- 5.5.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning. The LVIA sets out the landscape context for the site at a national, county and local level. In terms of landscape impact, the LVIA concludes that *“the proposals can be integrated without significant adverse effects upon the localised or wider landscape setting”*. Regarding visual impact, the LVIA concludes that *“whilst the Proposed Development represents a level of change within the Site’s immediate visual environment, this is minimal and highly localised, and quickly reduces as distance from the Site increases. The proposals will incorporate mitigation measures to minimise visual effects, and the Site has the ability to accommodate the nature of change proposed”*.
- 5.5.5 The Council commissioned an independent review of the LVIA, undertaken by Wynn Williams Associates (the WWA Review) in September 2025. The WWA Review is satisfied the submitted LVIA provides a generally sound and methodical review of the potential landscape and visual effects arising from the proposed development.
- 5.5.6 The WWA Review has identified several areas where the LVIA could be improved to more accurately reflect the development’s potential effects. For the immediate localised landscape, it is considered that the LVIA slightly underestimates susceptibility to the proposed scheme - ‘medium’ susceptibility is more fitting than the ‘low’ level assessed and ‘low’ susceptibility for the wider landscape as opposed to the ‘negligible’ level given in the LVIA. Additionally, some visual effects on nearby residents, particularly along Callowood Croft, The Glebe, Mill Hill, and Greenvale, have not been fully assessed. Also, the visual effects experienced by users of the well-used local footpath known as ‘Sally’s Path’ have not been considered, despite clear visibility across the site from this location.

- 5.5.7 These are important considerations; however, the landscape and visual impacts of the proposal would be further considered through the reserved matters application. Furthermore, the impacts are localised. Therefore, although these are important considerations the WWA Review agrees with the LVIA that the landscape and visual impacts of the proposed development would not result in substantial harm.

## **5.6 Impact on Residential Amenity**

- 5.6.1 LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted MDDG (2017) advises a suitable garden size for each type of dwelling. LDP Policy D1 also seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.6.2 The indicative layout is considered to be sufficient to demonstrate that there is sufficient space within the site for the above requirements to be met with specific details to be determined at reserved matters stage.
- 5.6.3 There is also sufficient space on site for the proposed dwellings to have sufficient private amenity space, as set out in the MDDG. This would also be considered at reserved matters stage.
- 5.6.4 The application is supported by a Health Impact Assessment which identifies short terms impacts on the local community during the construction period. The Council's Environmental Health team has recommended a construction environmental management plan should be secured by condition, given the proximity of residential properties, the school and possible site access arrangements. This is included in the recommendation below.

## **5.7 Access, Parking and Highway Safety**

- 5.7.1 The application is supported by a Transport Assessment prepared by Rappor (May 2025).
- 5.7.2 A significant number of letters of representation have raised concerns regarding highway safety, in particular the issue of impacts arising during the school drop off and pick up times. The case officer visited the site during the school pick up time and acknowledges the points raised by residents. However, Essex County Council (ECC) as the Highway Authority has reviewed the submitted information and advised that the proposals include the provision of an appropriate access to the site via Hawthornes and are satisfied with the submitted Transport Assessment. No objection is raised as the Highway Authority advise that the development would not result in a severe impact on the highway safety and efficiency.
- 5.7.3 In the absence of an objection from the Highway Authority, Officers do not consider a reason for refusal on the grounds of highway safety could be substantiated.
- 5.7.4 A number of conditions are recommended which are included in the recommendation below. In addition, to ensure compliance with the Council's VPS, a condition requiring details of cycle and vehicular parking in accordance with the standards is recommended.



- 5.7.5 In addition, the Highway Authority seeks a financial contribution of £170,000 to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority requires the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed. These mitigation measures are necessary to make the application acceptable in reducing the need to travel by car through promoting sustainable forms of transport. These obligations would be secured via a S106 legal agreement.
- 5.7.6 Subject to the recommended conditions and securing the mitigation through a legal agreement, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

## **5.8 Ecology and Biodiversity**

- 5.8.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 5.8.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

### Ecology

- 5.8.4 The application was supported by a Preliminary Ecological Appraisal (PEA) (RammSanderson, April 2025). Following an initial holding objection from the Council's ecology consultant, an Ecological Impact Assessment (EclA) was submitted together with Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (signed by Natural England).
- 5.8.5 The EclA includes field surveys including bat survey, breeding bird survey, great crested newt survey (including eDNA) and biodiversity. No signs of badger were recorded however the EclA recommends a pre-commencement survey to be undertaken.
- 5.8.6 The ecology consultant has reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and advised there is sufficient information to assess the impacts. No objection is raised in this regard and conditions are included in the recommendation to ensure necessary mitigation is secured.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.8.7 In terms of offsite impacts, the application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.8 The development of up to 55 dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

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

- 5.8.9 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution. The RAMS tariff is £169.45 per dwelling (2025/26). This would be secured via a S106 legal agreement.

Biodiversity Net Gain (BNG)

- 5.8.10 Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 5.8.11 In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: other neutral grassland, mixed scrub, ponds, Heathland and shrub – Blackthorn scrub and urban trees. This is secured by way of a condition.
- 5.8.12 The Council's Ecology Consultant has raised a holding objection pending further information relating to BNG. In particular, a new baseline habitat is required to include the revised metric area of a tree and the condition assessment sheets for the

baseline habitats are required. However, it has been confirmed that the information has been provided. A biodiversity gain condition, as a pre-commencement requirement, is included in the recommendation.

## **5.9 Flood Risk and Drainage**

- 5.9.1 The application is supported by a Flood Risk Assessment and a Sustainable Drainage Report, both prepared by Pell Frichmann.
- 5.9.2 The site is wholly located in Flood Zone 1 and is therefore at low risk of flooding from all sources including fluvial, ground water and surface water flooding.
- 5.9.3 To mitigate the impact on increased hard surfacing on the site resulting from the development, the Sustainable Drainage report states that attenuation on site would be required, this would be via an attenuation basin in the eastern part of the site. AS the application is in outline form, specific details of the drainage strategy have not yet been provided.
- 5.9.4 The application has been reviewed by the Lead Local Flood Authority who advise that no objection is raised subject to a number of conditions. Anglian Water has also advised that, a condition requiring the submission of a surface water management strategy is recommended.
- 5.9.5 In terms of foul water drainage, it is proposed to connect to the foul sewer maintained by Anglian Water. Anglian Water were consulted and has advised that the Purleigh water recycling centre has capacity to accommodate the flows from the proposed development. Informatives are recommended regarding the connection to the sewerage network.
- 5.9.6 Overall, no objection is raised in regard to flood risk and drainage.

## **5.10 Other Material Considerations**

### Heritage

- 5.10.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the setting of listed buildings. The site is not within or adjacent to a conservation area.
- 5.10.2 The closest designated heritage assets are the Grade II listed Mill House and Mill Farmhouse which lie approximately a hundred metres to the west. However, these houses (now combined as a single residence) face away from the site and are screened from it by vegetation. The submitted Framework Plan illustrates retained and supplemented planting along the west side of the site which would help ensure minimal impact on the setting and significance of the listed buildings. As such, the Council's Principal Conservation and Heritage Officer advises that the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Archaeology

- 5.10.3 A geophysical survey has been undertaken for the site but the results, though negative, are inconclusive. The Essex Historic Environment Characterisation Project has identified the Purleigh area as having medium archaeological potential. Accordingly, the County archaeologist has advised that any development on site

should be preceded by a programme of archaeological investigation. This is included as a condition in the recommendation below.

### Trees

- 5.10.4 The site contains a number of individual trees within the site and groups of trees. The application is supported by an Arboricultural Assessment prepared by FPCR (May 2025). The Council's Tree Consultant advises that six moderate value trees and five low value trees / groups of trees require removal to facilitate the proposed development. However, there substantial space is retained for new planting in mitigation. A condition is recommended to safeguard retained trees.

### Ground Conditions

- 5.10.5 The application is supported by a Desk Study Appraisal prepared by Crossfield Consulting. The Council's Environmental Health Officer advises that the report fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. Accordingly, a site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. On this basis, a contaminated land condition is recommended.

### Pre-commencement conditions

- 5.10.6 The applicant, via their agent, has agreed to the proposed pre-commencement conditions.

## **5.11 Planning Balance and Conclusion**

- 5.11.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.11.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states:
- "any adverse impacts of doing so (approving the development) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
- 5.11.3 In regard to the above and in judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.
- 5.11.4 The main impacts of the proposal which are benefits are:
- providing new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position;
  - the delivery of affordable housing (22 units) is given substantial weight;

## APPENDIX 1

- the development would provide high quality public open space, amenity areas for existing and future residents and is given significant weight;
- employment opportunities arising from the proposals though the construction period. This is given moderate weight due to the size of the development and the temporary nature of the benefit;
- economic benefits resulting from the occupants using the village's existing businesses. This is given moderate weight.
- matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver on-site BNG, which would be secured for 30 years; and
- in addition, the development would be acceptable in terms of flood risk and drainage and would ameliorate onsite issues, subject to final details at reserved matters stage and via condition. This is given limited weight.

5.11.5 The main impacts of the development that are harmful are:

- the discordance with the development plan. This is given significant weight given the location of the site outside of the settlement boundary;
- landscape and visual impact. This is given moderate weight given that the impacts are localised and can be addressed at reserved matters stage; and
- other matters of amenity, different types of pollution and highways are given very limited weight in this instance, given that the technical assessments have satisfied the relevant policies and legislation and/or can be addressed by way of conditions. Impacts resulting from overlooking and loss of privacy can be addressed at reserved matters stage.

5.11.6 The planning balance is not a mathematical exercise whereby a number of weights of benefits equals an acceptable scheme but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the harms identified with this proposal, which are of importance to decision making. On the merits of this particular proposal, the benefits clearly outweigh the harms.

## 6. ANY RELEVANT SITE HISTORY

6.1 No relevant planning history.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils (*summarised*)

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object for the following reasons: <b>1. Settlement boundary</b> - Site lies outside the defined settlement boundary, will result in urbanisation harming the character and openness of the countryside.  <b>2. Impacts on wildlife and the environment</b> - Purleigh Meadows is valued locally as a wildlife haven.	The responses are set out as per the numbering in the adjacent comment column.  <b>1. Settlement boundary</b> is discussed in section 5.1 of this report (principle of development). <b>2. Impact on wildlife and</b>

Name of Parish / Town Council	Comment	Officer Response
	<p>The destruction of this natural environment will be contrary to planning policies.</p> <p><b>3. Flooding and drainage issues</b> – surface water from the site has resulted in flooding in Pump Lane, The development will exacerbate this. Potential flooding of the school. Attenuation basin is inadequate. Question Anglian Water's capacity to accommodate the development.</p> <p><b>4. Inadequate infrastructure</b> – power cuts are common in the village. Poor public transport. Existing services and facilities are already oversubscribed.</p> <p><b>5. Layout and density</b> – density has been calculated based on gross, not net, density.</p> <p><b>6. Traffic and highway safety</b> - unacceptable increase in traffic movements to the detriment of highway safety. Area is already congested at peak times, double parking is frequent, impeding access by the emergency services, and the proximity to Purleigh Community Primary School makes the situation more dangerous.</p> <p><b>7. Loss of amenity</b> - adverse impact on the amenity of the occupants of neighbouring dwellings (Hawthornes, Thornhill, Westerings and Pump Lane) due to noise and general disturbance. Children will no longer be able play and ride their bikes in the street due to increased traffic.</p> <p><b>8. Sustainability</b> – development will result in a new residential land use in a location that is disconnected from services and facilities by reason of its unsustainable location and will provide limited access to public transportation, resulting in an increased need of private vehicle ownership. The poor sustainability credentials of the site and its locality will significantly and demonstrably outweigh any benefits of the</p>	<p><b>the environment</b> is discussed in section 5.8 (ecology and biodiversity) and 5.10.4 (trees) of this report.</p> <p><b>3. Flooding and drainage</b> is discussed in section 5.9 (flood risk and drainage) of this report.</p> <p><b>4. Inadequate infrastructure</b> is discussed in section 4.4 (infrastructure improvements) of this report. Whilst the power cuts are noted, this would not justify a reason for refusal of the application.</p> <p><b>5. Layout and density</b> is discussed in section 5.4 (design and impact on character) of this report.</p> <p><b>6. Traffic and highway safety</b> is discussed in section 5.7 (access, parking and highway impacts) of this report.</p> <p><b>7. Loss of amenity</b> is discussed in section 5.6 (impacts on residential amenity) of this report. In addition, the proposal provides for recreational routes within the site and a play area. These would be secured through a reserved matters application.</p> <p><b>8. Sustainability</b> is discussed in section 5.1 (principle of development) of this report.</p>

Name of Parish / Town Council	Comment	Officer Response
	proposal.	

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection subject to public transport improvements (financial contribution and bus stops) to be secured; conditions regarding; Construction Management Plan; provision of the access road; Residential Travel Information Pack.	Discussed in section 5.7 (access, parking and highway impacts) of this report.
Essex Police	No objection. Advice to the developer is provided in the response.	Noted
Anglian Water	No objection. Conditions recommended regarding surface water management strategy.	Discussed in section 5.9 (flood risk and drainage) of this report.
Essex Wildlife Trust	Object. The submitted PEA does not adequately cover the surveys necessary in regard to botanical survey, reptiles or breeding and wintering birds.	The EcIA submitted following these comments which addresses these points.
Lead Local Flood Authority	No objection. Conditions recommended regarding: <ul style="list-style-type: none"> <li>• detailed surface water drainage scheme;</li> <li>• a scheme to minimise off site flooding;</li> <li>• maintenance arrangements; and</li> <li>• yearly logs of maintenance.</li> </ul>	Discussed in section 5.9 (flood risk and drainage) of this report.
NHS Mid and South Essex	The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.	Discussed in section 4.4 (infrastructure improvements) of this report.
Essex County Council Education Authority	No objection subject to financial contributions being secured for secondary education provision, school transport and library	Discussed in section 4.4 (infrastructure improvements) of this report.

## APPENDIX 1

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	provision.	
Archaeology	No objection. There is potential for archaeological features and deposits to be present within the proposed development area. Archaeological deposits are both fragile and irreplaceable. A condition requiring development on site should be preceded by a programme of archaeological investigation is recommended.	Discussed in section 5.10.3 (archaeology) of this report.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	<p>Support. Currently the greatest demand is for 3-bed 5 person rented houses. To meet this need Strategic Housing Services will be looking to support the provision of 3- bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021. The NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.</p> <p>To meet the increasing need for affordable housing for older people/people with a disability, Strategic Housing would request 1- bed 2 person bungalows (semi-detached or terraced) as part of the requirement percentage of smaller affordable homes and that these are rented properties with wet rooms/showers.</p> <p>Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and / or no higher than Local Housing Allowance whichever is the lowest.</p>	Discussed in section 4.4 (infrastructure improvements and affordable housing) and 5.3 (affordable housing) of this report.
Waste Management	Request information as to storage of waste containers for each property and presentation point. There are 3 private roads on the development which may need communal	The application is in outline form only therefore these details are not yet available but would considered at



# APPENDIX 1

Name of Internal Consultee	Comment	Officer Response
	collection points please refer to our Waste Management Technical Document attached on the number and type of bins currently being used for Waste including, Refuse, Recycling, Food & Garden waste. Also, confirmation is required that primary and secondary streets are suitable for 26 tonne vehicles – specification is in the Technical Document.	reserved matters stage. A condition has been included to address this.
Arboricultural consultant	No objection. The application is support by information indicating that 6 moderate value trees and 5 low value trees/groups of trees require removal to facilitate the proposed development. However, substantial space is retained for new planting in mitigation. A condition regarding the retention and protection of existing trees is recommended.	Discussed in section 5.10.4 (trees) of this report.
Environmental Health	No objection. The Crossfield Consulting Desk Study Appraisal fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. A site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. A contaminated land condition is recommended and a condition requiring construction environmental management plan.	Discussed in section 5.10.5 (ground conditions) of this report.
Principal Place Officer	No objection to the residential development.  <u>Comments:</u> Purleigh is one of the least connected settlements in the District for public transport connections with poor infrastructure for safe walking and cycling to and from the wider area. Car dependency is high as with most settlements in the District	The car park element of the proposal has been removed from the application.

## APPENDIX 1

Name of Internal Consultee	Comment	Officer Response
	confirmed by the DfT Connectivity Tool assessment and baseline data in the published Maldon District Future Transport Strategy, ECC, 2025.  There are no access details for walking and cycling through the gate at the end of Westerings Object to the proposed school car park.	
Principal Conservation and Heritage Officer	No objection. The proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Discussed in section 5.10.1 and 5.10.2 (heritage) of this report.
Ecology	Holding objection in regard to information submitted for BNG. No objection regarding RAMS and protected and priority species.	Discussed in section 5.8 of this report. The information required has been submitted for consideration however was not taken into account by the officer. Conditions have been included and RAMS secured via a S106 agreement.

### 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 4 June 2025 (with expiry date for comments set at 25 June 2025). The site notices were affixed at eye level to gates at Westerings and Hawthornes, immediately adjacent to the site entrance. Following a change of the proposal's description and resulting amended information, further site notices were posted on 9 September 2025 (with expiry date for comments set at 23 September 2025).
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 5 June 2025 (with expiry date for comments set at 26 June 2025).

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

- 7.5.1 **98** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<b>Principle of development</b> <ul style="list-style-type: none"> <li>Outside settlement boundary.</li> <li>Contrary to Council's spatial strategy</li> <li>Unsustainable location.</li> <li>MDC has a 5YHLS.</li> </ul>	Discussed in section 5.1 of this report (principle of development).

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>Amount of development is disproportionate to the village, 11% growth is ill conceived.</li> </ul>	
<b>Flood risk</b> <ul style="list-style-type: none"> <li>Increased flood risk to adjacent properties.</li> <li>Existing issues from surface water which will only increase.</li> </ul>	Discussed in section 5.9 (flood risk and drainage) of this report.
<b>Access, highway safety, parking</b> <ul style="list-style-type: none"> <li>School car park will increase congestion and highway safety.</li> <li>Existing congestion during school pick up and drop off time.</li> <li>Waste collection vehicles have difficulty accessing homes due to congestion and parking.</li> <li>A bespoke traffic assessment is required.</li> <li>Increased safety issues to people walking. Children playing etc due to increased traffic.</li> <li>Narrow lanes are unsuitable for this amount of development.</li> <li>Increased pressure on Howe Green Road, connecting Purleigh to Cold Norton. The road is very narrow. Increased use will impact road surface and increase congestion.</li> </ul>	<p>The school car park has been removed from the application.</p> <p>Waste collection within the site would be addressed at reserved matters stage.</p> <p>Other matters are discussed in section 5.7 (access, parking and highway impacts) of this report.</p>
<b>Residential amenity</b> <ul style="list-style-type: none"> <li>Loss of privacy to existing residents due to overlooking from new homes.</li> </ul>	Discussed in section 5.6 (impact on residential amenity) of this report.
<b>Impact on character of the area</b> <ul style="list-style-type: none"> <li>Loss of rural character/identity.</li> <li>Loss of dark skies.</li> <li>Reliance on seasonal vegetation to obscure the development.</li> <li>Landscape impact.</li> </ul>	Discussed in sections 5.4 (design and impact on character) and 5.5 (landscape and visual impact) of this report.
<b>Infrastructure</b> <ul style="list-style-type: none"> <li>Impacts on capacity of doctors surgeries, dentists etc.</li> <li>Existing drainage infrastructure can't cope.</li> <li>Issues with sewage.</li> <li>Existing electricity network can't cope with current demand, frequent outages.</li> <li>Poor public transport provision.</li> <li>The school is already at capacity.</li> </ul>	Discussed in sections 4.4 (infrastructure improvements), 5.7 (access, parking and highway impacts) and 5.9 (flood risk) of this report.

Objection Comment	Officer Response
<b>Impacts on wildlife</b> <ul style="list-style-type: none"> <li>Grass was mown prior to survey taking place.</li> <li>Impacts on protected and priority species.</li> <li>Impacts on breeding and wintering birds.</li> <li>Loss of biodiversity.</li> <li>Currently a vibrant ecosystem.</li> </ul>	Discussed in section 5.8 (ecology and biodiversity) of this report.
<b>Construction impacts</b> <ul style="list-style-type: none"> <li>Dust impacts on children at school and nursery.</li> <li>Construction vehicles will add to traffic issues on local roads, increasing congestion.</li> <li>Air pollution assessment required.</li> <li>Noise impacts during construction.</li> </ul>	Discussed in section 5.6 (impacts on residential amenity) of this report.
<b>Other matters</b> <ul style="list-style-type: none"> <li>Public consultation undertaken was only online, responses were ignored, it didn't allow for objections or criticism.</li> <li>Loss of site used for informal recreation.</li> <li>Loss of public footpath.</li> <li>It's a safe and natural play area.</li> </ul>	<p>Use of the site as a footpath, known as Sally's Path, is at the discretion of the landowner. At this time, it is not known if the path will continue to be provided.</p> <p>The is no permitted use of the site as a natural play area.</p>

7.5.2 **No** letters were received **in support** of the application.

7.5.3 **One** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
More housing of the right quality and in the right place is required in the UK. This development should include the right balance of affordable housing, homes for the elderly as well as for families. The two former categories should be "ring fenced" for present villagers. I would observe that the development should bring with it improvements to the road infrastructure and improved public transport. The developer should finance the improvement of the totally inadequate junction of Pump Lane with Chelmsford Road to cater for the increased traffic generated by the development. Public transport (bus routes) should include regular daily direct services to the county town of Chelmsford. The development is	Discussed in sections 5.2 (housing need), 5.3 (affordable housing) and 5.7 (access, parking and highway impacts) of this report.

Comment	Officer Response
likely to appeal to commuters who will have no practical choice, other than the use of private cars for their daily commute.	

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

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- Off-site Recreational Avoidance Mitigation contribution in accordance with the RAMS SPD;
- On- and Off-site Biodiversity Net Gain in accordance with legislative requirements;
- Affordable housing provision as required by the Council's Strategic Housing team;
- Education contributions as identified in the ECC education response letter;
- Libraries contribution as identified in the ECC education response letter;
- On-site Open Space Maintenance obligations;
- Highways obligations as identified in the ECC highways response letter; and
- Monitoring fees.

**PROPOSED CONDITIONS**

**Reserved Matters**

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

**Time Limit**

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

**Approved plans**

4. The development hereby permitted shall be carried out in accordance with the approved plans listed: L01 Rev A Location Plan and P05 Rev A Framework Plan.

REASON: To ensure the development proceeds in accordance with the approved plans.

**Dwelling mix**

5. Concurrently with the submission of Reserved Matters for layout, the dwelling mix for the development hereby approved shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2021) or any subsequent updated assessment.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Local Development Plan.

**Ground levels**

6. Concurrently with the submission of Reserved Matters for layout or landscaping, details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and finished floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the impact on the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework.

**Landscaping**

7. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. 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 first 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, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted

in the same place, unless the Local Planning Authority gives its written consent to any variation.

**REASON:** To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

### **Parking**

8. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.  
**REASON:** To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).
9. A scheme in accordance with MDC's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.  
**REASON:** To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

### **Archaeology**

10. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**REASON:** To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
11. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation, defined in condition 10, and any subsequent mitigation has been agreed in writing by the Local Planning Authority.  
**REASON:** To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
12. A final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. The Post Excavation Assessment

report and/or an Updated Project Design shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

**REASON:** To ensure the development is undertaken in accordance with the previously approved scheme to safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.

### **Drainage**

13. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - If infiltration is not viable, limiting discharge rates to 2.8 l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Runoff from the residential roofs, driveways, and roads require treatment.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan including on plot drainage which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The approved scheme shall subsequently be implemented prior to occupation.

**REASON:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as



they relate to measures that need to be put in place prior to development commencing.

14. 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.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

15. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan.

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

REASON: To ensure agreed maintenance arrangements are carried out to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan

## **Highways**

17. 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:

- (i) vehicle routing
- (ii) the parking of vehicles of site operatives and visitors
- (iii) loading and unloading of plant and materials
- (iv) storage of plant and materials used in constructing the development
- (v) wheel and underbody washing facilities

The approved plan shall be adhered to throughout the construction period.

REASON: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety. This condition is required prior to commencement because the potential impacts to neighbouring amenity is fundamental to the

development permitted that it would have been otherwise necessary to refuse the whole permission.

18. Prior to occupation of the development hereby approved, the access road from Hawthornes shall be provided with a minimum 5.5 metre width and two 2 metre footways either side for a minimum of 15 metres into the site.  
REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.
19. Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).  
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

### **Trees**

20. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The 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.

REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

### **Ground contamination**

21. No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates

on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment shall be completed in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan.

### **Construction Environmental Management Plan**

22. No part of the development hereby approved 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 set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

**REASON:** To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy D1 and H4 of the Maldon District Approved Local Plan.

### **Ecology and Biodiversity**

23. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impacts Assessment (RammSanderson, August 2025), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g., an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

24. Prior to any works above slab level, 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;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

25. Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

26. Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site and off-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
  - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;

- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

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

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

27. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (RammSanderson, August 2025). The CEMP (Biodiversity) shall include the following:
- 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.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

28. The details to be submitted as part of the reserved matters shall include a Waste Management Plan, to include details of refuse storage. The Waste Management Plan shall be implemented as approved and permanently retained thereafter.

REASON: To ensure sufficient provision for waste storage and collection for all homes and the necessary manoeuvring space for waste vehicles within the site.

**INFORMATIVES**

1. Biodiversity Net Gain

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

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

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

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

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

**Application plans**

L01 Rev A Location Plan

P05 Rev A Framework Plan



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

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2025**

<b>Application Number</b>	<b>25/00616/OUT</b>
<b>Location</b>	Land Adjacent Crispins Roots Lane Wickham Bishops
<b>Proposal</b>	Outline application with all matters reserved except for access for 5no 3 bedroom bungalows with detached garage and access road including turning head off existing drive.
<b>Applicant</b>	Jenny Moody Properties Ltd
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	11 November 2025 (Time Extension Agreed)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>Wickham Bishops</b>
<b>Reason for Referral to the Committee / Council</b>	<p>Called in by Cllr Simon Morgan to consider that</p> <ul style="list-style-type: none"><li>• The site is outside the settlement boundary, contrary to Local Development Plan (LDP) Policy S8.</li><li>• Over-development of the site, contrary to LDP Policy D1.</li><li>• The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.</li><li>• The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.</li></ul>

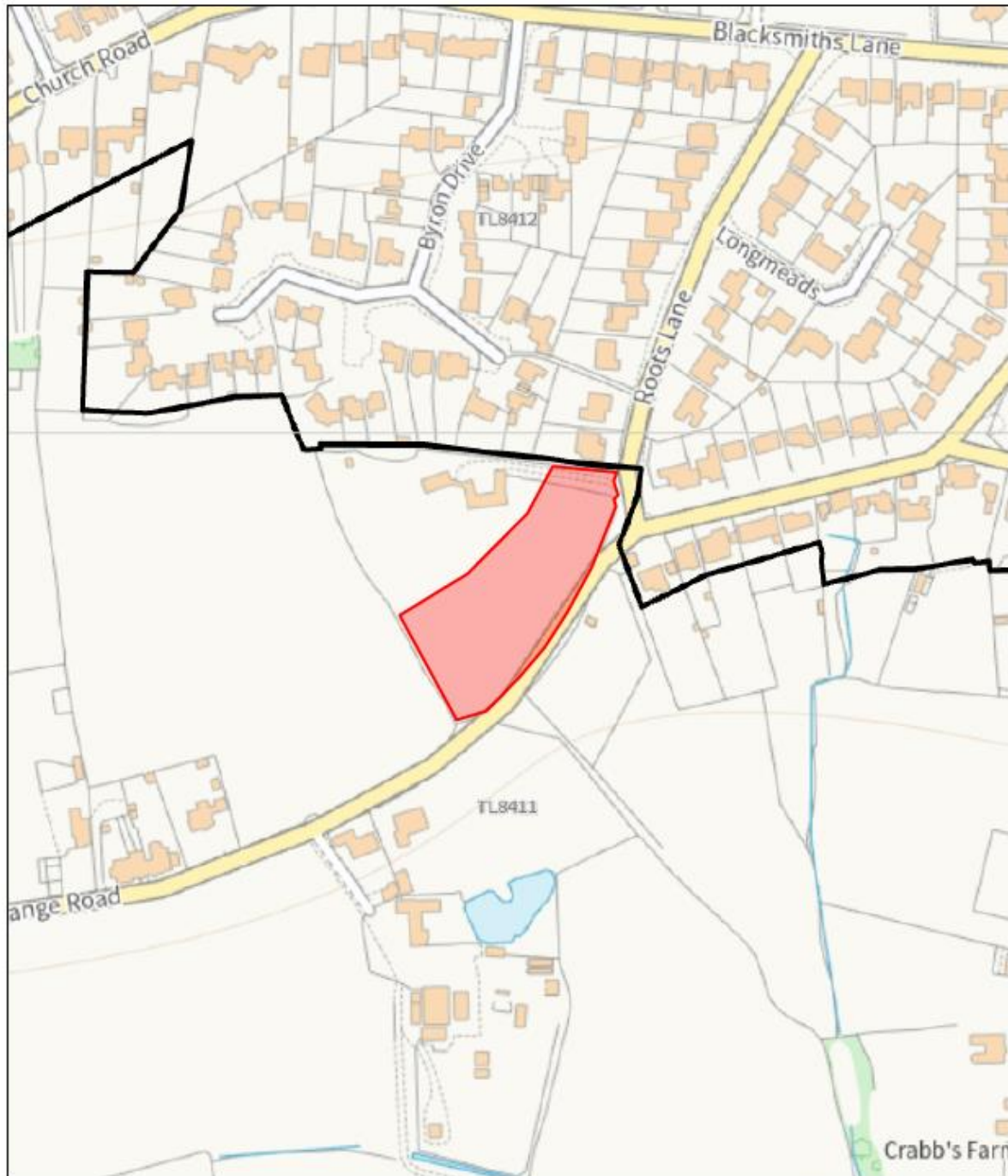
**1. RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.

25/00616/OUT



10/23/2025, 4:04:59 PM

OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)

1:2,500  
0 115 230 460 ft  
0 35 70 140 m



**Copyright**

For reference purposes only.  
No further copies may be made.  
This map is reproduced from Ordnance Survey  
material with the permission of Ordnance Survey on  
behalf of the Controller of Her Majesty's Stationery  
Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright  
and may lead to prosecution or civil proceedings.  
Maldon District Council 100018588 2014

[www.maldon.gov.uk](http://www.maldon.gov.uk)



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.1 The application site is located at the junction of Roots Lane and Grange Road and is outside of the settlement boundary of Wickham Bishops. To the north and east of the site, within the settlement boundary, are residential properties comprising a mix of predominantly detached bungalows and two storey dwellings.
- 3.1.2 The site itself measures 0.49 hectares and comprises part of the existing residential garden of 'Crispins', which is a detached two storey dwelling shown in land edged blue on the application plans. The site is laid to grass with numerous mature trees within the site and along the site's frontage, which extends to the south along Grange Road which is a single lane road. There is an existing access serving the site via Roots Lane, to the north of the junction with Grange Road. A further access is located in the southern corner of the site, from Grange Road.
- 3.1.3 The site is located within Flood Zone 1 with a low risk of flooding.

##### Description of the Proposal

- 3.1.4 Outline planning permission is sought for the erection of five (5) 3 bedroom bungalows each with detached garages with an access road including turning head off the existing drive. The proposed access is for determination under this application, with the matters of appearance, layout, landscaping and scale being the reserved matters for future applications should Outline planning permission be approved.
- 3.1.5 The proposed access would involve creating a spur off the existing access serving Crispins, and allow access to the proposed five bungalows.
- 3.1.6 Layout (indicative) – The plan shows an indicative layout of siting of the five bungalows with four bungalows having their rear gardens backing onto Grange Road. The other bungalow for plot 5 would be set back along the side boundary with the gardens of Crispins. This arrangement would allow for the internal access road to pass in front of the principal elevations of the bungalow and allow access to each plots driveway and proposed detached garage. Each bungalow would have a rear garden and with also a side garden area for plots 1 and 4.
- 3.1.7 Scale (indicative) – All bungalows would have pitched roofs, and the plans show the bungalows would be up to 5.9m high at their ridge.
- 3.1.8 Appearance (indicative) – There are no details to show the appearance of the proposed bungalows.
- 3.1.9 Landscaping (indicative) – The layout plan and Tree Protection Plan shows the intention is to retain as much of the existing hedge and tree line fronting onto Grange Road and Roots Lane. Each plot would have front and rear garden areas mainly laid to lawn with planting beyond paving and access road areas. It is proposed to provide 1.8m high fencing between the flank (side) boundaries of the plots comprising of timber close boarded fencing on gravel boards.

### **3.2 Conclusion**

- 3.2.1 The planning balance section of the report identifies the benefits and harms of this proposed development. Overall, weighing up the benefits and the harms it is considered that the benefits of the proposal outweigh the harms in this instance and therefore the recommendation is to Outline grant planning permission subject to the conditions and Section 106 terms as set out in Section 8 of this report.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 180-194 Conserving and enhancing the natural environment

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

- 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
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

### **4.3 Wickham Bishops Neighbourhood Plan (2022):**

- WBen 01 Recreational Disturbance Avoidance and Mitigation
- WBen 02 Biodiversity and Natural Habitats
- WBen 06 New Development and Flood Risk
- WBF 02 Sustainable Means of Travel
- WBF 03 Highway Safety

- WBH 01 Design and Character

#### 4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD
- Wickham Bishops Village Design Statement

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

- 5.1.1 The Local Development Plan (LDP) Proposals Map shows that the site is located outside of, but borders the settlement boundary of Wickham Bishops. Therefore, policy S8 (Settlement Boundaries and the Countryside) applies and defines Wickham Bishops as a 'larger village' in the settlement hierarchy table. Larger villages are defined in the policy as *"defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport"*. The policy identifies that 'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'. Furthermore, the policy states that 'Outside of the defined settlement boundaries 'planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'. This means the development would be unacceptable in principle as policy S8 protects the countryside for its landscape value.

#### Housing Supply Position

- 5.1.2 Policy S2 (Strategic Growth) plans for a minimum of 4,650 dwellings between the Plan's period of 2014 to 2029 with strategic growth to be delivered through urban extensions to Maldon, Heybridge and Burnham on Crouch. Outside of these locations the policy allows for housing through Neighbourhood Plans and a windfall allowance. A proportion of new development will be directed to the rural villages to support rural housing needs based on the settlement hierarchy approach, although there are no allocated sites in the current LDP for village extensions.
- 5.1.3 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, this policy and policy S2 cannot be considered as up to date due to the Council being unable to demonstrate a 5 year supply of housing land, and because the methodology of assessing the housing needs of the District, as set out in the previous version of the NPPF, has changed in the latest version of the NPPF (December 2024). This means that the Maldon District would need to accommodate more housing than the requirements as set out in policy S2, which were 276 housing units per annum. The latest housing requirement figure has risen to 575 housing units per annum. Based on this position, development proposals will need to be considered on the basis of whether they are sustainable or not, with regard to the NPPF and policy S1.

- 5.1.4 This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is relevant. Given the Council's current position in regard to the 5 year housing land supply (5YHLS) the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d(ii) of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.
- 5.1.5 From the Council's perspective, at an Extraordinary meeting of Full Council on 17 June 2025 Members considered the Maldon District Council LDP Review Growth Options and it was agreed:

*That strategic growth in the Local Development Plan Review should go into the Towns and large villages – these being Maldon, Heybridge, Burnham-on-Crouch, Southminster, Great Totham South, Tollesbury, Latchingdon, Tillingham, Tolleshunt D'Arcy, Wickham Bishops and Mayland.*

- 5.1.6 As stated above Wickham Bishops is considered as a location for strategic growth and this site borders the settlement boundary of the village.
- 5.1.7 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-ambles to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings but to create a better-balanced stock to meet the needs of ageing population and the needs of young people there is a need for a higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements is set out in the Maldon District Local Housing Needs Assessment, which was published in May 2021. This, like the pre-ambles to policy H2, identifies the need for one, two and three bedroom units. In more detail, the need is for two and three bedroom market units, and a need for one, two and three bedroom affordable units (affordable ownership and affordable rented).
- 5.1.8 Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.
- 5.1.9 The proposed bungalows would therefore provide three bedroom single storey dwellings for older people in regard to meeting policies H2 and H3, and WBNP policy WBH 02 Lifetime Homes requires new homes to address local need for older person's housing

#### Recent Appeal Decisions in Wickham Bishops

- 5.1.10 There have been two recent appeal decisions in Wickham Bishops for housing developments outside and adjacent to the settlement boundary. These are material considerations as they reflect the current approach taken by the Planning Inspector to the Council's 5YHLS position in affording significant or substantial weight in the overall planning balance. **APPENDIX A** includes maps showing the location of the two appeal sites.
- 5.1.11 On land rear of 9 Church Road an appeal was allowed and planning permission granted for the development of up to 50 dwellings (reference 23/00123/OUTM, appeal reference APP/X1545/W/23/3333081). Apart from a small section of the site at the front, the majority of the site lies outside of the settlement boundary for

Wickham Bishops. In allowing the appeal the Inspector gave significant weight to the Council's 5YHLS position and also because the development offered 50% affordable housing provision. At para. 75 of the appeal decision the Inspector states that *"the adverse impacts associated with the conflict with the development plan due to the site's location outside the DSB, the visual effect on the immediate site, while having due regard to the disadvantage that may be caused to some people with protected characteristics in terms of their choice to live in this particular development of new housing, do not significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole"*. On that basis . concluded that *"the presumption in favour of sustainable development applies and this indicates that permission should be granted"*.

- 5.1.12 On land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings (reference 24/00005/OUTM, appeal reference APP/X1545/W/24/3351210). In allowing the appeal the Inspector gave substantial weight to the Council's 5YHLS position and the provision of affordable housing and only moderate harm to the character and appearance of the area. This was considered to outweigh harms of the visual effect upon the immediate area. The Inspector in deciding the appeal, stated at para. 30 *"I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole. On this basis, the scheme would benefit from the presumption in favour of sustainable development and permission should be granted"*.

#### Call for Sites

- 5.1.13 The submitted Design and Access Statement refers to the site being registered in the "Call for Sites". The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference WBS8-Wickham Bishops. The outcome of this process found that the site was identified as potentially suitable for residential development.
- 5.1.14 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

#### Sustainability Considerations

- 5.1.15 Turning to the sustainability considerations, policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption but still follows the approach of the current NPPF's in considering the economic, social and environmental role of achieving sustainable development.
- 5.1.16 Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate a 5 year housing supply of deliverable housing at present and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF. The Local Planning Authority are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These three dimensions are assessed below.

- 5.1.17 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.18 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Paragraph 110 of the NPPF acknowledges that 'development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. WBNP policy WBF02 policy Sustainable Means for Travel is relevant.
- 5.1.19 In terms of accessibility, this village includes a range of facilities and services including a church, a village hall, recreation ground, library, general store with post office, hairdressers, health food shop, beauty saloon, tea room, vehicle repair garage, car show room, a public house and a doctors surgery.
- 5.1.20 In addition to the consideration of facilities and services, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Upon leaving the site you enter into the village of Wickham Bishops where there are footways along some of the sides of roads that allow for walking access into the village centre and for accessing all the facilities and services stated above. For cycling the roads within the village are within 30mph speed restriction zones but if you leave the village and head south along Grange Road the country lane enters an unrestricted speed limit area. For bus services the village is mainly served by the no.90 bus which links Witham to Maldon and this can be accessed from bus stops along the Witham Road which is a 10 minute walk from the site.
- 5.1.21 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.22 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District and provide for opportunities for social integration for new residents and the wider community.
- 5.1.23 It is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses. This would however be very limited given the scale of the proposal. Equally, there is no guarantee that construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal at best.

#### Previous application

- 5.1.24 A previous application on the site (reference 24/00604/OUT) was refused in October 2024 and included, in reason for refusal one, that *"The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside"* and concluded the proposal would conflict with the Council's spatial strategy. This decision was taken at a time when the Council had a 5YHLS and the tilted balance was not engaged.

#### Summary of Principle of Development

- 5.1.25 Based upon the Council's 5 years housing land supply position the tilted balance in favour of sustainable development applies and therefore the development of sites such as this outside of settlement boundaries needs to be considered as to whether the development is sustainable development to meet the definition of the NPPF and

LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location on the borders of a village which provides for a range of facilities, services and various transport modes for accessibility. This position, along with the Council's intentions for growth options and the recent appeal decisions in Wickham Bishops, further assist in supporting the principle of development at this site. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon Design Guide (MDDG) (2017).
- 5.2.4 The Wickham Bishops Neighbourhood Plan (WBNP) (2022) policy WBH 01 Design and Character supports development where it adheres to design principles laid out by the Wickham Bishops Village Design Statement and the MDDG. This policy requires development proposals to respect local character, setting, local distinctiveness amongst other things.
- 5.2.5 The previous application included the following reason of refusal
  - 1. The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside. The proposed development would result in the urbanisation of the site through the introduction of built form, hardstanding and associated domestic paraphernalia which would erode the character and appearance of the site and surroundings. Furthermore, insufficient information has been provided to assess the impacts on trees within and adjacent to the site, therefore the wider impact on character of the area also cannot be assessed. Accordingly, the proposal would conflict with the development plan's spatial framework contrary to Policies S1, S2 and S8 of the Approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.2.6 The first sentence in the reason of refusal has been addressed in section 5.1 of this report which assessed the principle of the development. The second sentence of the reason concerns the impact upon the character and appearance of this location but is

linked with the previous principle of development being unacceptable. As set out above, the Council's position has changed with regard to not having a 5YHLS and as stated in section 5.1 above the tilted balance is applied in favour of sustainable development. Therefore, the consideration of the urbanisation of the site and the character and appearance of the site and surroundings would need to be balanced against the housing needs of the District in the overall planning balance of this application.

- 5.2.7 The proposal is for five bungalows as opposed to the six previously proposed.
- 5.2.8 The site currently positively contributes to the character and appearance of the locality. It comprises a well-maintained residential garden with mature trees within the garden and along the frontage adjacent to Grange Road. The trees form a distinctive and attractive feature in this location. The character of the area changes markedly at the northern edge of the application site. To the north and east is built up, with residential properties fronting Roots Lane and Grange Road as it extends to the east. These dwellings are within the settlement boundary of the village. The application site and land to the west, south and southeast comprises a mix of agricultural land and sporadic residential dwellings. Although the trees line the road frontage, there are clear gaps within the trees and vegetation whereby the proposed bungalows would be clearly visible from the road.
- 5.2.9 The proposed block plan shows the proposed layout of the development seeks to retain the character and appearance of the streetscene along Grange Road by retaining all of the existing vegetation comprising of hedges and trees that form a distinctive part of the character of this location, along with retaining existing trees where possible on the wider Crispins plot, as explained in the Arboricultural Impact Assessment. No rear boundary treatments are proposed but reference is made to 1.8m boundaries between each plot and such details shall need to be agreed through the reserved matters and or planning condition. The layout plot shows footprints of the bungalows and detached garage buildings to each, again the actual details shall need to be agreed through the reserved matters.
- 5.2.10 Similarly to the previous refused application it is considered that the addition of five bungalows on the site would significantly alter the verdant character of the area through the introduction of built form, associated hard standing, fences and other domestic paraphernalia. This needs to be considered in the overall planning balance of the application.
- 5.2.11 With regard to trees, the NPPF states in paragraph 136 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change'. It further states that planning decisions should take opportunities to incorporate trees in developments and those existing trees are retained wherever possible.
- 5.2.12 The third reason of refusal from the previous application was as follows:
3. Insufficient information has been submitted to assess the impact of the proposed development on the existing trees within and adjacent to the site. The proposal is therefore contrary to Policies D1 and N2 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework.
- 5.2.13 Information has been provided with this application including tree surveys, tree constraint plans and an Arboricultural Impact Assessment. The assessment of tree



quality is set out in British Standard 5837/2012 and categorises trees as A, B, C and U. For category A trees these are high quality trees with a life expectancy of at least 40 years, for category B trees these are trees of moderate quality with life expectancy of at least 20 years, for category C trees these are unremarkable trees of very limited merit or quality with life expectancy of at least 10 years and for category U trees these are trees that are not suitable for retention.

- 5.2.14 The Arboricultural Impact Assessment explains that 15 trees and 6 groups of trees would be retained, 3 trees and a group of 3 category B trees would be removed, and 6 trees and 6 groups (35 trees) and 1 hedgerow would be removed to make way for the development. The Tree Protection Plan shows that trees within the site and along the roadside boundary with Grange Road would be retained along with the retention of as much of the existing trees and vegetation around the boundary and outside of the site. This has been subject to consultation with Place Services Tree Advisors who have no objection subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site. The landscaping requirement of the reserved matters can ensure a suitable landscaping scheme and replacement trees to help enhance the appearance of the site following completion of the development.
- 5.2.15 Overall, there would be some harm through the introduction of development and the urbanisation of this site having regard to policies D1 and H4 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework. However, this harm will need to be assessed in the planning balance of this assessment.

### **5.3 Living Conditions and Amenity Space**

- 5.3.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private amenity spaces. In addition, the adopted MDDG (2017) at C07 advises a minimum garden size for each type of dwellinghouse, namely, 25m<sup>2</sup> for flats, 50m<sup>2</sup> of private amenity space for dwellings with 1-2 bedrooms, and 100m<sup>2</sup> for dwellings with three+ bedrooms.
- 5.3.2 There is concern regarding the impact of the trees surrounding the site on the living conditions of occupants. Many of the trees along the site frontage are mature and are of significant height with large crown spread. It is likely, given the shape of the site and the amount of development proposed that trees would be very close to the proposed bungalows and gardens. The trees could result in an overbearing sense of enclosure to some extent. This could result in future pressure to remove further trees or significantly reduce the height and extent of the trees. However, this would not result in any significant loss of amenity space to the occupier of each plot.
- 5.3.3 The proposed bungalows would all have three bedrooms, therefore amenity space of 100m<sup>2</sup> would be required for each dwelling. Having regard to the indicative block plan provided, it is apparent that the development can comply with this requirement, but the existing trees and indicative layout of the gardens could affect how the amenity space could be used.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the

Council's adopted parking standards (Maldon District Vehicle Parking Standards SPD).

- 5.4.2 Policy WBF 02 Wickham Bishops Neighborhood Plan requires development proposals should give priority to cycle and pedestrian movements and access to public transport. Policy WBF 03 of the Wickham Bishops Neighborhood Plan requires Development proposals should take account of the capacity of the local highways network. Development proposals which would have an unacceptable impact on the efficiency of the local highways network in general, and on its safety in particular will not be supported.
- 5.4.3 The NPPF seeks to ensure that, 'safe and suitable access to the site can be achieved for all users'. It further states that, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.
- 5.4.4 Access is a matter for which approval is sought as part of this outline application. Access is proposed via a private drive which currently serves the existing dwelling, Crispins. The proposal includes the realignment and widening of the existing access to provide a shared access serving Crispins and the proposed five bungalows.
- 5.4.5 Essex County Council, as the Local Highway Authority, has advised that the necessary visibility splays can be achieved and raises no objection to the proposal subject to conditions requiring a Construction Management Plan, vehicular access details, cycle parking provision and the distribution of a Residential Travel Information Pack.
- 5.4.6 It would appear from the information within the application that the site is of a sufficient size to ensure the proposed development would meet the car parking requirements set out in the Maldon District Vehicle Parking Standards SPD.
- 5.4.7 Overall, no objection is raised in regard to highway safety.

## **5.5 Flood Risk and Drainage**

- 5.5.1 Policy D5 Flood Risk and Coastal Management of the LDP states that, '*to minimize the risk of flooding, all development must not increase flood risk on site and elsewhere, be located in areas where use is compatible*'. Policy WBen 06 of the Wickham Bishops Neighborhood Plan requires to take into account drainage, water disposal and to minimize flood risk.
- 5.5.2 The site is situated within Flood Zone 1 (low risk of flooding). The proposed development would not be a 'more vulnerable' development, as defined in Annex 3: Flood Vulnerability Classification of the Planning Practice Guidance.
- 5.5.3 In terms of drainage Environmental Health have not identified the need for a condition for surface water drainage. For foul drainage the application forms state the development would be connected to the mains sewer systems in the area.

## **5.6 Ecology and Biodiversity**

- 5.6.1 Paragraph 187 of the NPPF states that, 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity'.

- 5.6.2 LDP policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment. In addition, Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network. Policy N1 and N2 are also relevant, which address biodiversity and protection of priority habitats and/or protected or priority species.
- 5.6.3 Policy WBEN 01 of the Wickham Bishops Neighborhood Plan requires all residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document. Policy WBEN 02 of the Wickham Bishops Neighborhood Plan requires all development to protect retain and enhance biodiversity and natural habitats.

#### On Site Ecology and Biodiversity

- 5.6.4 The previous application included the following reason of refusal:
2. The application includes insufficient ecological information to assess the impact of the proposed development on protected and Priority species. Insufficient information has been submitted in relation to mandatory biodiversity net gain. The proposal is contrary to Policies S1, D1, N1 and N2 of the approved Maldon District Local Development Plan, Policy WBEN 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.6.5 The application includes a Preliminary Ecological Appraisal which recognised that the site has the potential support species of importance or legally protected species and from the on site survey work from April 2025 a number of habitats and habit suitably for various species was found. Given the potential impact the Preliminary Ecological Appraisal recommends various mitigation and enhancements including bat, bird and terrestrial invertebrate boxes. Place Services Ecology have no objections to subject to conditions requiring implementation of the identified mitigation within the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design.

#### Biodiversity Net Gain

- 5.6.6 As of 2 April 2024, all minor development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant's Biodiversity Net Gain report identifies that to achieve the mandatory 10% measurable biodiversity net gain 3.82 area habitat units, 0.05 hedgerow units and 0.45 watercourse units will be required post development. Therefore, as much as the existing habitat such as existing hedgerow and mature trees should be retained. Place Services Ecology recommend an informative for a Biodiversity Net Gain condition following the draft text provided by the Secretary of State.

#### Essex Coast RAMS

- 5.6.7 In terms of RAMS, the site falls within the evidenced recreational Zone of Influence (Zol) of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy

(RAMS), which is an adopted SPD. The LPA is therefore required to prepare a project level HRA Appropriate Assessment and secure a proportionate financial contribution towards the Essex Coast RAMS. The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast RAMS Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

#### HRA Stage 1: Screening Assessment

##### Test 1 - the significance test

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

Does the planning application fall within the specified development types? Yes – The proposal is for 5no. dwellings

#### HRA Stage 2: Appropriate Assessment

##### Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 5no. dwellings

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

#### Summary of Appropriate Assessment

- 5.6.8 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.6.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £847.25 is required based on the current tariff applied for RAMS mitigation. The applicant has confirmed their agreement and paid the financial contribution.

#### Conclusion to this section

- 5.6.10 Subject to the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to policy N2 along with the guidance and paragraphs of the NPPF/PPG.

## **5.7 Impact on Neighbouring Amenity**

- 5.7.1 The basis of policy D1(4) of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.7.2 It is considered there is sufficient distance between the site and the existing dwelling 'Crispins' and neighbouring dwellings to the north to ensure sufficient back-to-back distances can be complied with. This, together with the proposed dwellings being bungalows, would ensure neighbouring amenity is not harmed. Further details of the exact layout, scale and appearance of the bungalows would be provided at the reserved matters stage.

## **5.8 Other Matters**

- 5.8.1 The fourth reason of refusal from the previous application was as follows:
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Approved Maldon District Local Development Plan (2017), WBen 01 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.8.2 The applicant has agreed to meet the requirements of the Essex Coastal RAMS and payment has been received.
- 5.8.3 No objection was raised by Place Services with regard to archaeology and no conditions are recommended.

## **5.9 Planning Balance and Sustainability**

- 5.9.1 In assessing the overall planning balance there are benefits and harms from the proposed development that need to be weighed up in the decision making process.
- 5.9.2 The benefits of the proposal are:
- In absence of an update to date 5YHLS the tilted balance of the presumption favour sustainable development applies – given substantial weight
  - Wickham Bishops is one of the larger villages considered for strategic growth – given substantial weight
  - Sustainable location – given substantial weight
  - Ecology Enhancements – given moderate weight
- 5.9.3 The harms arising from the proposal are:
- Development outside of the settlement boundary of Wickham Bishops i.e. conflict with the spatial strategy – given limited weight.
  - The urbanisation of the site which would erode the character and appearance of the site and surroundings – given moderate weight
  - Some of loss of trees and hedges – given moderate weight

- 5.9.4 There are also a number considerations that are neither beneficial or harmful and are therefore given a neutral weighting, these being private amenity space provision, access, parking provision, drainage and financial contribution towards Essex Coast RAMS. All of these are either policy or guidance requirements.
- 5.9.5 Overall, based on the above assessment and weightings the benefits of the proposed development would outweigh the harms as identified for the application to be recommended for approval.

## **6. ANY RELEVANT SITE HISTORY**

### **6.1 Relevant planning history.**

- **24/00604/OUT** - Outline planning application with access for proposed 6no 3 bedroom bungalows with access road including turning head off existing drive Refused for four reasons of refusal as identified in the Assessment section above.
- **00/00119/OUT** - Proposed erection of a dwelling house. Refused and dismissed at appeal
- **97/00357/OUT** - Erection of one dwelling and garage. Refused

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Wickham Bishops Parish Council	<p>Recommend refusal on the following grounds:</p> <p>The site is outside the settlement boundary, contrary to LDP Policy S8.</p> <p>Over-development of the site, contrary to LDP Policy D1.</p> <p>The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.</p> <p>The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.</p> <p>WBPC are gravely concerned that this could lead to further development to the west, despite the indication of a ransom strip.</p>	Please see the Assessment sections 5.1, 5.2 and 5.6 of the report

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objections subject to conditions regarding a Construction Management Plan, driveway access construction requirements, cycle parking provision and provision of a Residential Travel Information Pack	Please see the Assessment section 5.4 of the report

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments to make	No response required
Place Services Archaeology	No objections	No response required
Place Services Ecology	No objection subject to conditions requiring mitigation measures undertaken in accordance with the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design. An informative for a Biodiversity Net Gain condition	Please see section 5.6 of the report.
Place Services Tree Advisor	Support subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site	Please see the Assessment section 5.2 of the report

## 7.4 Site Notice/Advertisement

- 7.4.1 The application was advertised by way of two site notices posted at eye level on telegraph poles and posts around and adjacent to the site on 21 July 2025. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 24 July 2025.

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

- 7.5.1 **9 letters/emails/forms** were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
-------------------	------------------

<b>Objection Comment</b>	<b>Officer Response</b>
Impact upon the character, safety and environmental integrity of local setting	Please see the Assessment section 5.2 and 5.9 of the report
Additional traffic congestion due to narrowness of Grange Road and lead to safety risks for pedestrians, cyclist and horse riders	Essex County Council Highways have no objections to the application
The proposed development threatens to significantly alter the visual and environmental character of this unique area	Please see the Assessment section 5.2 and 5.9 of the report
Any construction on this scale risks irrevocably damaging the natural landscape and eroding the rural essence that makes Grange Road so special	Please see the Assessment section 5.2 and 5.9 of the report
This development would set a concerning precedent for further urbanisation in a part of the parish	Please see the Assessment section 5.2 and 5.9 of the report
The impact on views, heritage, and the tranquillity of the area cannot be overstated	There is no right to a view, no heritage assets nearby and residential use would not adversely affect the tranquillity of the area

## 8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.  
**REASON:** The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
**REASON:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
**REASON:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The development hereby permitted shall be carried out in accordance with the following approved plans as stated on the decision notice.  
**REASON:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.
5. The development shall be single storey only comprising of one floor of accommodation.



REASON: In the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

6. No development shall commence until details of finished site levels and finished external surface levels, and the finished floor level of the building[s] hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

7. The reserved matters for the approval of layout shall include details of the proposed materials to be used in the development

No development shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the adopted Maldon District Local Development Plan.

8. The reserved matters for the approval of layout shall include details of the proposed boundary treatment to the development.

No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

9. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. 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 first 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, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that

originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

10. The trees and hedges identified for retention on the approved plan drawing number(s) 250241/TPP shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

11. No development shall commence until details of the foundations to be used for the development hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

12. 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

13. Prior to first occupation of the development, the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be constructed at a minimum width of 5.5 metres for the first 6 metres from the back edge of the carriageway and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

14. 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, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the adopted Maldon District Local Development Plan.

15. The details submitted pursuant to condition 1 for layout shall include land reserved for the parking and / or garaging of private cars, motorcycles and bicycles.

Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the adopted Maldon District Local Development Plan.

16. No development shall commence until all mitigation measures and/or works have been carried out in accordance with the details contained in the as Preliminary Ecological Appraisal (Writtle Forest Consultancy, September 2025) already submitted with the planning application and agreed in principle with the local planning authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

17. No development shall commence until a non-licensed Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

18. No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- 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.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

19. No development shall commence until a Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Writtle Forest Consultancy, September 2025), has been 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 of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

20. Prior to occupation of the development, 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 so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

**REASON:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

### **Informative**

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

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

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

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

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

### **APPLICATION PLANS / DOCUMENTS:**

#### **Application plans:**

- 06E - Proposed Site/Block Plan
- 250241/TCP - Tree Constraints Plan
- 250241/TPP/01 Rev 1 - Tree Protection Plan
- 05 - Proposed Plans & Elevations
- 250241/TPP - Tree Protection Plan
- 07 - Proposed Site Visibility Splays & Location Plan

#### **Application supporting documents:**

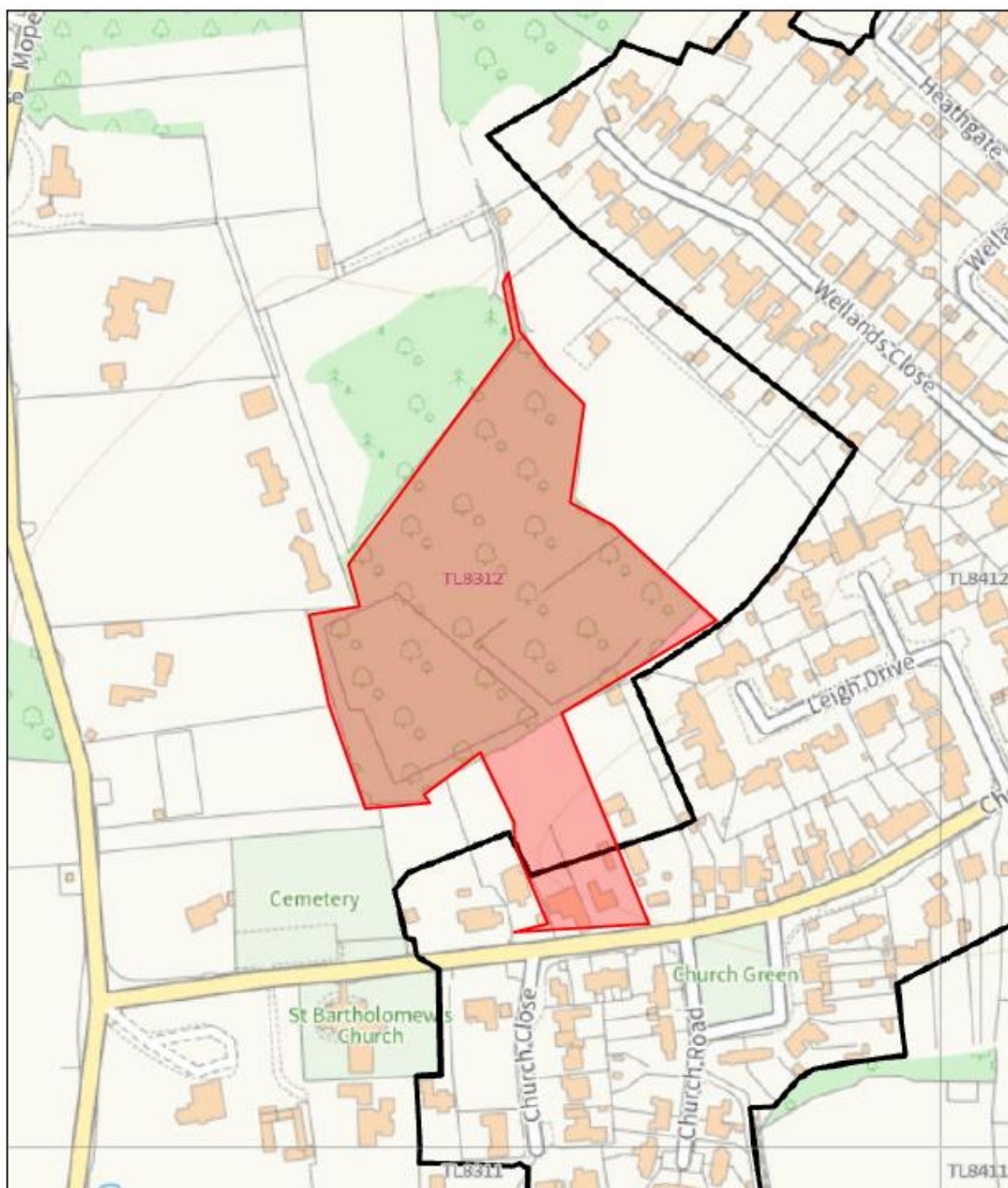
- Planning Statement
- Design and Access Statement
- Arboricultural Assessment (Method and Impact Assessment)
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Documentation

This page is intentionally left blank

## Appendix A

23/00123/OUTM - Land rear of 9 Church Road an appeal was allowed and planning permission granted for the development of up to 50 dwellings. Location Plan below:

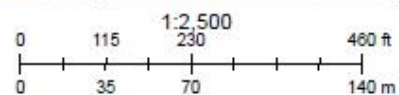
23/00123/OUTM



10/23/2025, 3:56:40 PM

OS Grid Tiles 1km

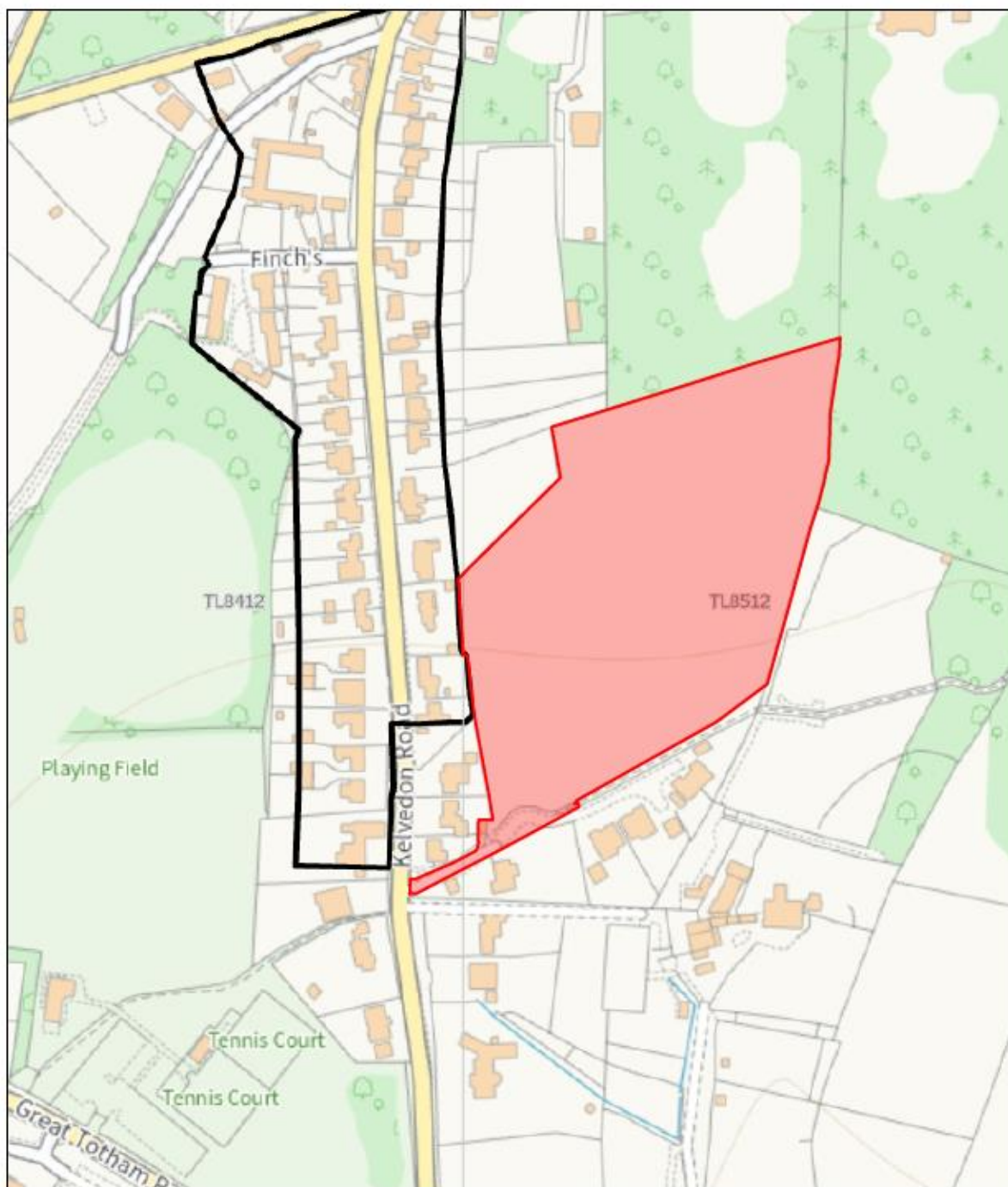
Settlement Boundaries and Countryside (S8)





24/00005/OUTM - Land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings. Location Plan below

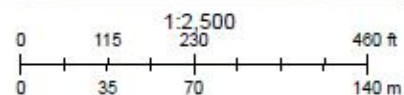
24/00005/OUTM



10/23/2025, 3:51:04 PM

OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)







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

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2025**

<b>Application Number</b>	<b>25/00022/FUL</b>
<b>Location</b>	Land at The Warren Lodge Park Herbage Park Herbage Park Road Woodham Walter
<b>Proposal</b>	Construction of one concrete hardstanding onto which a new lodge will be sited for a site manager or an employee or designated contract of the Warren Estate to use, with connections to services and one allocated car parking space.
<b>Applicant</b>	Mr John Moran - The Warren Estate
<b>Agent</b>	Mr Mark Durham - Frederick Lewis Ltd
<b>Target Decision Date</b>	10 November 2025 (Time Extended)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	The agent is a Member (Cllr Durham) so this is being referred to committee under the Terms of Refence for Area Planning Committees section 1. Point 9

**1. RECOMMENDATION**

**APPROVE** subject to the agreed Unilateral Undertaking to secure the planning obligations and subject to conditions as detailed in Section 8.

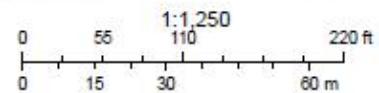
**2. SITE MAP**

Please see below.



10/6/2025, 2:36:35 PM

 Parish Polygon



### Copyright

For reference purposes only.  
No further copies may be made.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
Maldon District Council 100016588 2014

[www.maldon.gov.uk](http://www.maldon.gov.uk)

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.1 Herbage Park comprises of 102 holiday homes together with an amenity building housing a swimming pool and gym. It is located to the west of Herbage Park Road and forms part of the wider Warren Estate which includes a golf course. The application site includes a new plot located to east of the swimming pool and gymnasium building and would be accessed via the existing internal road network.

##### Description of the Proposal

- 3.1.2 Planning permission is sought for the construction of one concrete hardstanding onto which a new plot where a lodge building would be sited for a site manager or an employee or designated contractor of the Warren Estate to use. The lodge building would be connected to services and would include one allocated car parking space.
- 3.1.3 The information submitted shows indicative elevations, including a colour elevation of how the manager's lodge would appear. The indicative floor plans show that a two bedroom lodge building would be provided with a kitchen/lounge/dining room. The lodge building would include a decking area from the kitchen/lounge/dining room. The lodge building would measure 12.1m long with a 3m deep decking area, would be 6m wide and 4.4m high to the ridge level. 1 parking space would be provided for the lodge building.
- 3.1.4 The applicant's justification for the manager's lodge is that:
- *It is necessary to have a member of staff on site for security purposes.*
  - *Out of hours alarm activations require attention to avoid nuisance to nearby residents.*
  - *There have been a number of nighttime medical emergencies for lodge owners where the ambulance has struggled to locate the correct lodge.*
  - *The manager lodge occupant will be first aid & CPR trained with access to first aid supplies and a defibrillator.*
  - *Employee will be designated fire Marshall and will be the emergency call point for all let accommodation*
  - *The single point of contact will also receive deliveries for lodges and direct visitors to the correct locations.*
  - *The lodge occupant will be responsible for ensuring that lodge owners comply with site rules and do not cause disturbance or anti-social behaviour.*
  - *The lodge occupant will ensure that all lodges are vacated during the required closure period of two weeks per year.*

#### **3.2 Conclusion**

- 3.2.1 The proposal would provide lodge accommodation for a manager to reside in on site and therefore allow for a presence on site 24 hours a day to aid the tourist and safety requirements of the site. The lodge building would appear similar to others on site and would not adversely impact upon the character and appearance of the site. There are no objections with regard to impact upon amenities of occupiers of nearby lodges, highway and parking requirements. The Essex RAMS has been secured via

an agreed Unilateral Undertaking thereby mitigating any harm on the coastal European designated sites. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the Local Development Plan (LDP).

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 96-108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-127 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding, and coastal change
- 187-201 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- 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
- E5 Tourism
- E6 Skills, Training and Education
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)

- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD
- Woodham Walter Village Design Statement 2017

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 or LDP.
- 5.1.2 The site is located outside of a defined settlement boundary and thus lies within a countryside location. Policy S8 of the LDP states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 sets out the development types that may be permitted where there is no adverse impact to the countryside. One set exception, set out at Policy S8 f) is '*rural diversification, recreation and tourism... (in accordance with Policies E4 and E5)*'.
- 5.1.3 Policy E5 entitled tourism sets out a positive policy provision for tourism within the District and states that '*The Council will support developments which contribute to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment*'. The policy goes on to set out that tourism will be supported where there is a need identified; where there are good connections with other tourist destinations and to local services; where there would be no detrimental impacts to the character and appearance of the area; and that adverse impacts to the natural and historic environment can be avoided.
- 5.1.4 Whilst this application is not to provide a lodge for tourism accommodation per se its use would provide a lodge for a manager/employee to reside in on site and therefore allow for an on site presence 24 hours a day. The applicant has provided a list of bullet points identifying the need for the lodge building which is listed in section 3.1.4 of this report and is justified in this instance to demonstrate the case for the need for this lodge.
- 5.1.5 In terms of the other criteria of Policy E5, the site has previously been assessed as having good connections with other tourist destinations in the locality and good connections to green infrastructure and local services. In addition, and as discussed later in this report, there would be no detrimental impacts to the character and appearance of the area and no adverse impacts to the natural and historic environment.
- 5.1.6 The development would meet with the criteria of Policy E5 relating to tourism provision and thus would meet with the Policy f) S8 exception.
- 5.1.7 Accordingly, the provision of a lodge building on the existing lodge park site is acceptable in principle.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The principle of good inclusive design and layout and sustainable development has been reflected in the approved LDP, primarily with policy D1 which seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.2 The proposed concrete hardstanding would not have any impact upon the visual amenities of the site. The proposed lodge building would be a demountable type of structure that could be removed and replaced in the future. Its appearance would be in keeping with the surrounding other lodge buildings on this site. There are no public views, either from Herbage Park Road to the south or from the Public Right of Way (PRoW) to the north. There would be no harm to the wider amenity of the area and the intrinsic character and beauty of the countryside would be maintained in accordance with policy S8 of the LDP and the provisions of the NPPF.

## **5.3 Access, Parking and Highway Safety**

- 5.3.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.3.2 Access to the location of the lodge building would be via the main entrance road into Herbage Park and then into the Herbage Park site area which consists of narrow roads around the site. The access arrangement is acceptable.
- 5.3.3 The Council's adopted Vehicle Parking Standards SPD (2018) (VPS) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.3.4 The VPS for caravan parks is the most applicable parking standards to use and that requires 1 space per pitch or residential member of staff. One parking space is shown which would be acceptable for this use. Additional site parking is located within a short distance of this location should the need arise for increased parking demand.
- 5.3.5 On the basis of the above, it is considered that the proposal is acceptable with respect to access, parking and on site highway safety, in compliance with policies D1 and T2 of the LDP.

## **5.4 Ecology and Biodiversity**

- 5.4.1 In terms of ecology considerations, Place Services Ecology has no objection subject to conditions requiring a biodiversity enhancement strategy and wildlife sensitive lighting design scheme. An optional condition requiring a habitat management and monitoring plan is also recommended. However, Officers are of the view that these conditions are not necessary for this development given this is a well-established site and the conditions are not proportional to the proposal. The site has existing low-level lighting along the roads and paths throughout the site.

- 5.4.2 Around the Herbage Park site there are two identified Local Wildlife Sites, which are Ma8 and Ma90, but both of these are away from the location of this site. Due to the limited scale and nature of the proposal, there would be no harm to these Local Wildlife Sites. Woodham Walter Common is a SSSI but is around 0.6 miles to the east of the site and would be unaffected. Place Services Ecology make reference to the need for Natural England's formal comments on the conclusion of the Local Planning Authority (LPA) Appropriate Assessment for Essex Coast RAMS, however, this is not considered necessary for Natural England to be consulted due to the small scale of development. Furthermore it is the Council's role, as the competent authority, to undertake the Habitat Regulation Assessment (HRA) Screening for Appropriate Assessment test and this has been carried out and is stated below:

#### European Designated Sites

- 5.4.3 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.
- 5.4.4 The LPA is therefore required to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.4.5 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes, but the proposal is only for 1 lodge that can be used as a dwelling for all intents and purposes.

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

Is the proposal for 100 houses + (or equivalent)? No

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

### Summary of Appropriate Assessment

- 5.4.6 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.4.7 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure). The application is supported by an agreed Unilateral Undertaking thereby securing the RAMS contribution and the mitigation of designated sites.

### Biodiversity Net Gain

- 5.4.8 The Planning Practice Guidance (PPG) explains that Biodiversity Net Gain was introduced to Planning by the Environment Act 2021 and where it applies developers must demonstrate how a development will deliver at least 10% increase in biodiversity. Place Service's Ecology Advisor on Biodiversity Net Gain (BNG) advises that the biodiversity gain condition is required to apply to every planning permission for development of land in the England. Such requirements can be secured through a planning condition to meet the requirements of policy N2 of the LDP and the relevant paragraphs of the NPPF and PPG.
- 5.4.9 The applicant's Ecology Report supporting the application identify that 13 -19% Biodiversity Net Gain would be achieved and this exceeds the 10% target as stated above. The applicant's Ecology Report states that no off-site habitat units will be required.

### In conclusion to this section

- 5.4.10 The development would comply with policies S1, D1, N1 and N2 of the LDP which seek to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of green infrastructure network. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

## **5.5 Impact on Neighbouring Amenity**

- 5.5.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.5.2 Given the siting of the lodges on the site there would be no unacceptable impact to the amenity of occupiers within the lodges on site from overlooking, loss of light or similar.
- 5.5.3 In terms of neighbouring amenity, there are no nearby neighbours other than lodges on the site, the development would not appear prominent from any public viewpoints such that there would be no harm to any neighbouring residential amenity.



- 5.5.4 Overall, the development would comply with policies D1 and H4 of the LDP and section C07 of the MDDG, which seek to ensure that development will protect the amenities of neighbouring properties.

## **5.6 Other Matters**

- 5.6.1 The application site is located within Flood Zone 1 on the EA's Flood Map and therefore has a low probability of flooding. Due to the scale of the development, there would be no implications for flood and drainage considerations, and thus this would not be a constraint to development.
- 5.6.2 The site falls within the designation of the Woodham Walter Village Design Statements SPD which is mentioned within the Warren Pit Lodges description but there are no further requirements for this site within this SPD.

## **6. ANY RELEVANT SITE HISTORY**

- 6.1 The relevant planning history is listed below:

- **05/00798/FUL** - Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building. Granted.
- **11/00953/FUL** - Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park.
- **15/00590/FUL** – Variation of condition 3 on approved planning permission FUL/MAL/11/00953 (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park). Variation: holiday accommodation occupancy period, and; Variation of condition 2 on approved planning permission FUL/MAL/05/00798 (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building) Variation: holiday accommodation occupancy period. Granted.
- **16/01373/FUL** - 28 new holiday lodges with associated infrastructure and access. Granted.
- **24/00358/VAR** - Variation of condition 3 on approved application 05/00798/FUL (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building). Variation seeks to alter Condition 3 to allow the siting of a single storage shed for each lodge. Granted.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Woodham Walter Parish Council	No objections and comment that it was a good idea to have an	Condition included in the Recommendation section of this report to cover its

Name of Parish / Town Council	Comment	Officer Response
	onsite manager and request condition that the building can only be used by employees of estate with a residency restriction	use

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services - Ecology	No ecological objection subject to conditions and subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment for Essex Coast RAMS. Conditions to require a biodiversity enhancement strategy and wildlife sensitive lighting design scheme. Optional condition requiring a habitat management and monitoring plan. A biodiversity net gain condition should be added as an informative	See Assessment section 5.4

## 7.3 Internal Consultees (*summarised*)

7.3.1 None

## 7.4 Site Notice/Advertisement

7.4.1 The application was advertised by way of two site notices posted at eye level on telegraph poles and posts around and adjacent to the site on 5 September 2025. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 28 August 2025.

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

7.5.1 No comments have been received from third parties during the specified consultation period, nor subsequently during the application process.

## 8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, WLP-WL05 Rev C, WLP-WL01 Rev F and WLP-WL02.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The lodge hereby permitted shall only be used by a manager or an employee or a designated contract worker of the Warren Estate and shall not be used as a person's sole or main place of residence.  
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
4. The lodge hereby permitted shall be clearly signposted to ensure that it is recognised as the single point of out of hours contact.  
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
5. The lodge hereby permitted shall not be used for human habitation between 15 January and 28 January (inclusive).  
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
6. The lodge hereby permitted shall not be available for short or long term holiday purposes or offered for rent, lease or sale.  
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
7. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.  
REASON To ensure the appropriate development and use of the site for recreational purposes in accordance with policy E5 of the Local Development Plan.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-

enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.

**REASON** To safeguard the appearance and character of the rural area in accordance with policy D1 of the Local Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding or similar hard surface in addition to that permitted shall be laid at the site without the prior approval in writing by the Local Planning Authority.

**REASON** To safeguard the appearance and character of the rural area in accordance with policies D1 and S8 of the Local Development Plan.

#### **APPLICATION PLANS / DOCUMENTS:**

##### **Application plans:**

- Location Plan
- WLP-WL05 Rev C – Block Plan
- WLP-WL01 Rev F – Site Location Plan
- WLP-WL02 – Site Plan
- WLP-WL03 Rev A – Indicative Plans and Elevations

##### **Application supporting documents:**

- Planning Statement
- Biodiversity Net Gain ('BNG') Assessment and Statutory Biodiversity Metric