

27 March 2026



Princes Road  
Maldon  
Essex CM9 5DL

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APOLOGIES: Committee Services  
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CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 8 APRIL 2026 at 7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will 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 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 V J Bell
VICE-CHAIRPERSON	Councillor A Fittock
COUNCILLORS	M G Bassenger D O Bown A S Fluker L J Haywood W J Laybourn M G Neall R G Pratt U G C Siddall-Norman W Stamp, CC



**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 8 APRIL 2026**

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1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 11 February 2026 (copy enclosed).

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. **25/00569/FULM - Land At Junction Of Steeple Road And Mill Road, Mayland, Essex** (Pages 13 - 74)

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

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

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**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 No. 5.
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.

## **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**

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

## 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](#)

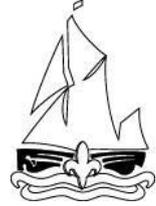
*Local-scale*

- [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](#).



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 FEBRUARY 2026**

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**PRESENT**

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	D O Bown, A S Fluker, L J Haywood, W J Laybourn, R G Pratt and U G C Siddall-Norman
Officers (Maldon District Council)	Mr Jaggard, Director of Place, Planning and Growth Mr Bailey, Senior Planning Officer Ms Sadler, Graduate Planner

**1. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M G Bassenger, M G Neall and W Stamp CC.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 14 January 2026 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

Councillors A S Fluker and R G Pratt declared that they used the Marina on the site of Agenda item 8, 25/01095/FUL - Bradwell Marina, Waterside Road, Bradwell On Sea .

Councillor Fluker also noted that the Committee all knew the applicant for agenda item 7 25/00921/HOUSE - Paton Place, Nipsells Chase, Mayland.

**5. CHANGE TO THE ORDER OF BUSINESS**

At this point, the Chairperson advised that he would be changing the order of business as set out on the agenda to consider Agenda Item 8 - 25/01095/FUL, Bradwell Marina, Waterside Road, Bradwell on Sea, CM0 7RB prior to Agenda Item 5 - 25/00446/FUL - Agricultural Building At Wraywick Farm, The Marshes, Southminster.

**6. 25/01095/FUL, BRADWELL MARINA, WATERSIDE ROAD, BRADWELL ON SEA, CM0 7RB**

<b>Application Number</b>	<b>25/01095/FUL</b>
<b>Location</b>	Bradwell Marina – Waterside Road – Bradwell on Sea – CM0 7RB
<b>Proposal</b>	Proposed location of Beacon Structure on land at seaward entrance to marina
<b>Applicant</b>	Mr A Thurtle – Port Flair Ltd
<b>Agent</b>	Ms Sarah Threlfall – TMA Chartered Surveyors
<b>Target Decision Date</b>	18 February 2026
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>Bradwell on Sea</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr Fluker has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and E5 (Tourism)

The Officer presented the report following this the Agent Tim Matthews addressed the committee.

Members then had a brief discussion over the recommendation to refuse given by the Officer with several indicating that they did not agree with this assessment. Believing that the design would not be incongruous with the area

Following this Councillor V J Bell proposed that this application be refused inline with the Officers recommendation. This was not seconded.

Councillor A S Fluker then proposed that the application be approved contrary to Officer recommendations. This was Duly seconded.

Upon a vote being taken this proposal was approved.

**RESOLVED** that this application be **APPROVED**

**7. 25/00446/FUL - AGRICULTURAL BUILDING AT WRAYWICK FARM, THE MARSHES, SOUTHMINSTER**

<b>Application Number</b>	<b>25/00446/FUL</b>
<b>Location</b>	Agricultural Building At Wraywick Farm, The Marshes, Southminster
<b>Proposal</b>	Demolition of existing agricultural barns and construction of two residential dwellings, associated access, parking and landscaping
<b>Applicant</b>	Strutt and Parker (Farms) Ltd
<b>Agent</b>	Seth Williams - Smith Jenkins Ltd
<b>Target Decision Date</b>	18 February 2026
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>Southminster</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

The Officer presented the report.

Members then raised some issues they had with the application, initially with the design of the dwellings on the site. A Member raised concerns over the change in form of the proposed designs from something more rural in character to a more urban design that they believe wouldn't be in keeping with the area. Citing a previous application that was refused over this issue. Other Members echoed this concern.

Following this a Member raised issues over the site being in flood zone 3A. Stating that due to the previous application on the site being approved due to change of use from agricultural to residential under permitted development, there is a lack of a sequential tests on this new consent being sought giving rise to concerns over flooding for the new proposed dwellings.

The Director of Place, Planning and Growth then responded to these concerns reminding members that due to the previous consent given the principle of development is there. They also addressed the issues of the site being in a flood zone and lack of sequential tests. The officer then stated the implications that should be considered by Members:

- Would the layout and footprint of the site have less impact on the flood storage and displacement of water in that area.
- Would it be a better development for the occupiers if the existing building was converted into residential dwellings.
- Would the design have less impact on the existing users.
- Would the existing building be preferable or does the design and location layout of the application that has been presented have merit ?
- Would the new scheme proposed at the meeting be better than the existing fallback position that is already on the site.

The discussion then continued between Members and the Officer with Members reiterating their concerns with the points previously discussed with a Member stating that they were minded to refuse this application. The Officer then indicated that they would need to establish the clear reasons of additional harm that could occur should this application be approved in contrast to the existing consent.

Further discussion then took place with Members and Officers referencing the following possible reasons for refusal:

- The issues with the site being in flood zone 3A and lack of subsequent sequential test. Which could include access to and from the properties
- The Change in form of the buildings from agricultural to a more urban design not being in keeping with the rural area and nature of the site. Having preference for the already approved barn conversion in terms of materials, size, shape and structure.

At this point Councillor A S Fluker proposed that the Committee refuse this application contrary to Officer recommendations. This was duly seconded.

Upon a vote being taken this proposal was approved.

**RESOLVED** that this application be **REFUSED** with reasons for refusal to be confirmed by the Chairperson and Members of this Committee

**8. 25/00857/FUL - WILLOWHERB HOUSE, 81, MOUNTVIEW CRESCENT, ST LAWRENCE, SOUTHMINSTER, CM0 7NR**

<b>Application Number</b>	<b>25/00857/FUL</b>
<b>Location</b>	Willowherb House, 81 Mountview Crescent, St Lawrence Southminster CM0 7NR
<b>Proposal</b>	S73A application for change of use of part of rear garden for cattery business; erection of 2 No. catteries measuring 6.4m x 3.9m (one cattery already constructed)
<b>Applicant</b>	Mr & Mrs Castle
<b>Target Decision Date</b>	13 February 2026 (Extension of Time)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	St Lawrence
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Plan

The Officer presented the report. Following this a representative of St Lawrence Parish Council, Councillor Marion Gibson addressed the Committee. Councillor D O Bown left the meeting at this point. Councillor Bown returned just after Councillor Marion Gibson finished speaking.

Following this a discussion ensued over how appropriate the Cattery business was in the proposed location. This led to questions to officers over noise mitigation, waste disposal and delivery of goods. The Officers highlighted the mitigations cited in the noise mitigation plan and licensing agreements believing that the operational requirements were sufficient.

Following this Councillor V J Bell proposed that they approved the application in line with Officer recommendations. This was duly seconded.

Upon a vote being taken this proposal was approved.

**RESOLVED** that this application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.
2. The cattery business use hereby approved shall be carried out only within the two cattery structures as identified on approved Location Plan drawing no. Block Plan L02, and shall be used solely in connection with and ancillary to the residential use of the dwellinghouse known as Willowherb House, 81 Mountview Crescent, St Lawrence Southminster CM0 7NR. The structures shall not be used as separate planning units or for any other commercial purpose (including any use within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to the Class in any statutory instrument revoked and re-enacting that order. For the avoidance of doubt, the buildings shall not be let, rented, managed or sold independently to the main dwelling.
3. No separate or additional access, hardstanding, boundary fences or curtilage shall be formed to create a distinct plot separation to the main dwelling of Willowherb House, 81 Mountview Crescent, St Lawrence Southminster CM0 7NR.
4. The cattery business hereby approved shall be operated in accordance with the approved Noise Management Plan submitted as part of the application.

9. **25/00921/HOUSE - PATON PLACE, NIPSELLS CHASE, MAYLAND CM3 6EJ**

<b>Application Number</b>	<b>25/00921/HOUSE</b>
<b>Location</b>	Paton Place, Nipsells Chase, Mayland CM3 6EJ
<b>Proposal</b>	Construction of dormer windows to facilitate loft conversion, including one balcony, and two Juliet balconies to the rear.
<b>Applicant</b>	Mr & Mrs K Paton
<b>Target Decision Date</b>	13 February 2026 (Extension of Time)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>Mayland</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

The Officer presented the report.

Some members then noted that they liked the design. Following this Councillor A S Fluker proposed that the Committee approve this application in line with Officers recommendations. This was duly seconded.

Further discussion occurred between members raising concerns over how this application would change the housing mix in the area.

The Chairperson then put the proposal to a vote. Upon a vote being taken this proposal was approved in line with Officer recommendation

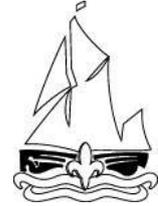
**RESOLVED** that the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans documents as shown on the decision notice.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans.
4. The velux windows hereby approved to the north and south facing roof slopes shall be installed so that the bottom of the glazed/openable section is set at a minimum height of 1.7 metres above the finished floor level of the room served. The rooflights shall thereafter be retained as installed.

There being no other items of business the Chairperson closed the meeting at 9.06 pm.

V J BELL  
CHAIRPERSON

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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
8 APRIL 2026**

<b>Application Number</b>	<b>25/00569/FULM</b>
<b>Location</b>	Land At Junction Of Steeple Road And Mill Road Mayland Essex
<b>Proposal</b>	The construction of 55 new homes and associated landscaping, access, car and cycle parking and refuse and recycling provision.
<b>Applicant</b>	Mr Liam Mcnamara – Savannah Properties
<b>Agent</b>	Mr Richard Quelch - Q Square Group Ltd
<b>Target Decision Date</b>	10.04.2026
<b>Case Officer</b>	Gareth Ball
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	<ul style="list-style-type: none"><li>• Departure – Site outside of the settlement boundary.</li><li>• Member call-in – Councillor A S Fluker – concerns about Settlement Boundaries and the Countryside, Design Quality and the Built Environment and the Housing Mix and how they are addressed in the proposal – Ref Policies LDP 2014/2029 Policies S8, D1 and H2</li></ul>

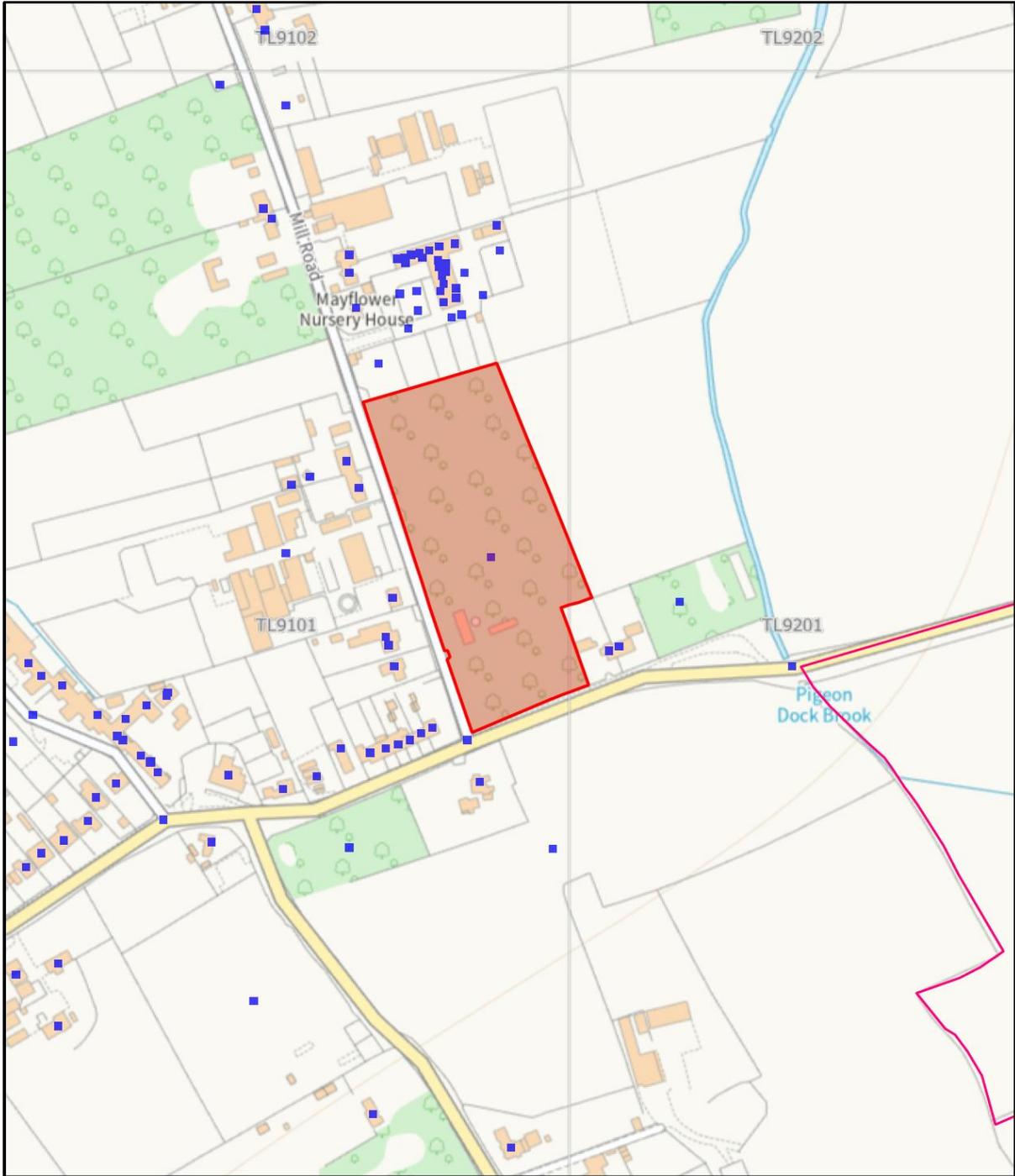
**1. RECOMMENDATION**

**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**

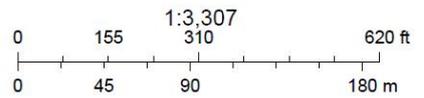
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- GMS BLPU Points
- ▭ Parish Polygon
- ▭ Ward Polygon
- ▭ OS Grid Tiles 1km



### **3. SUMMARY**

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

##### The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is located to the east of the village of Mayland, outside of the settlement boundary within open countryside. It lies on the northern side of Steeple Road at the junction with Mill Road (which is directly to the west). The site is 1.89ha in size and is roughly rectangular in shape.
- 3.1.2 The site was previously used as a commercial nursery and currently comprises the remains of large greenhouses and ancillary outbuildings, all of which are in a dilapidated state, with vegetation growing in and around them. The Site’s boundaries are lined with existing trees/hedges. There is a narrow footway along the northern side of Steeple Road, adjacent to the Site. Mill Road is an unadopted private road, is unlit and has no footways.
- 3.1.3 To the north of the site is the former Mayflower Nursery and northeast is an area of woodland. To the west of the Site, on Mill Road and outside the settlement boundary, are five dwellings, a business, food hall and restaurant. The Site and land to the east of is within open countryside. The south of Steeple Road is primarily open countryside farmland. Adjacent to the south-eastern corner of the Site, on Steeple Road, are a pair of semi-detached, two-storey dwellings which sit within generously sized plots.
- 3.1.4 The Site is located in Flood Zone 1, which has the lowest flood risk of the zones. There are no trees with a Tree Preservation Order (TPO) on or adjacent to the Site.
- 3.1.5 The Site is 1200m from the Mayland Creek and 800m from the Mundon Creek both are Ramsar, Special Protection Area (SPA), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Marine Conservation Zone (MCZ) areas, located to the north of Mayland.
- 3.1.6 The grade II listed Mayland Mill Public House is located c. 130m west of the western Site boundary.

##### Call For Sites

- 3.1.7 The Site was considered in the Council’s ‘Call For Sites’ process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment. The Site’s reference is MAY4. With regard to MAY4, the review concluded that the Site would be sustainable for up to 60 dwellings, stating:

*“On balance it is considered that development of the site would be suitable, in that it is in a sustainable location being within walking distance of a primary school, shops, medical practise and shoppers bus service. The site fits into the context of the townscape and would not impact on the wider landscape. The site could provide biodiversity net gain and would not impact on heritage assets. Consideration would have to be given to impacts on the Mayland Creek and Mundon Creek which is a RAMSAR, SPA, SAC, SSSI and MCA area.”*

- 3.1.8 The Call For Sites (CFS) process is an early-stage and high-level review and does not deem that a site will be allocated in a future Local Plan if it is found to be sustainable during the CFS assessment process. As such, officers have given this conclusion limited weight on its own standalone findings.

### Application-specific Site History

- 3.1.9 An application (app reference 24/00405/FULM), hereon referred to as the Refusal Application, seeking permission for 57 residential units on this Site was presented to committee as a refusal, then refused permission on 26/07/2024 for the reasons summarised by the case officer below
1. Introduction of residential development beyond a settlement boundary, resulting in damage to the character and beauty of the countryside and creating development which is not in a sustainable location.
  2. Scale and design not in keeping with the local context. Overdevelopment of the Site.
  3. Insufficient information to accurately assess the impact on the existing landscape and the visual impacts on the surrounding landscape.
  4. Under-provision of private amenity space and overbearing sense of enclosure to some proposed gardens.
  5. Failure to provide sufficient onsite parking spaces and visitor parking spaces.
  6. Insufficient information to demonstrate an acceptable impact on protected and priority species, and insufficient information demonstrating mandatory Biodiversity Net Gain (BNG) would be met.
  7. Lack of a S106 legal agreement to secure the following planning obligations:
    - Delivery of affordable housing
    - Financial contribution towards healthcare provision
    - Financial contribution towards education provision
    - Financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
  8. The proposal failed to demonstrate that flood risk is appropriately mitigated.

### The proposed development

- 3.1.10 Full planning permission is sought for:

*“The construction of 55 new homes and associated landscaping, access, car and cycle parking and refuse and recycling provision.”*

- 3.1.11 The site would be accessed via a new vehicular and pedestrian access from Steeple Road. The proposal also includes associated landscaping, car and cycle parking and refuse and recycling provision.
- 3.1.12 The dwellings are proposed as 45 per cent affordable, which is split into a tenure mix of 80 per cent affordable rent and 20 per cent intermediate product (such as shared ownership or First Homes).
- 3.1.13 The proposed dwellings would be a mix of one and two storeys, including detached, semi-detached and some short terraces. There would also be a two blocks containing 10 flats total. The unit size mix is proposed as follows:

Unit Size	Market	Affordable	
		Intermediate	Rented
One-bed	2	1	5
Two-bed	9	2	7
Three-bed	13	2	6
Four-bed	6	0	2

**Table 1** - Proposed Unit Size Mix Distribution

- 3.1.14 The dwellings would be a mix of materials, utilising a mix of red brick and render, with a mix of red and grey roof tiles. Windows would have grey frames.
- 3.1.15 The layout would utilise a spine road running down the centre of the Site, with access off Steeple Road. An area of public open space would be situated centrally within the southern portion of the Site, adjacent to the spine road.
- 3.1.16 A pump house would be located in the northeast of the Site, to manage surface water runoff, and a substation location within the southeast.

## **3.2 Conclusion**

- 3.2.1 The site is located in the countryside, beyond the settlement boundary of Mayland. The site is not considered to be in an accessible location as future occupants would largely be reliant on travel by car.
- 3.2.2 The mix of housing provided is supported, having been amended during the course of the application to align with the revised 2025 Local Housing Needs Assessment (LHNA). Additional weight is given to the provision of an additional 5 per cent affordable housing (equating to three units) above policy requirements. The development of 55 homes would be brought forward promptly and would contribute to the district being able to demonstrate a 5-year housing land supply (5YHLS). This would be a significant social benefit.
- 3.2.3 The proposal has addressed the Refusal Application (the previously refused application ref 24/00405/FULM, which sought 57 dwellings on the site) reasons for refusal in relation to loss of trees, poor living conditions for future residents, a lack of car parking, unacceptable ecology impact and unacceptable drainage. The previous reason for refusal relating to the signing of a Section 106 agreement is also considered to be addressed, given that officers are recommending permission be granted, subject to the signing of a Section 106 agreement to secure the necessary planning obligations.
- 3.2.4 Following the submission of further clarification in relation to the Landscape Visual Impact Assessment (LVIA), officers consider there to be a reduced level of harm compared to what was assumed within the Refusal Application. The LVIA was assessed by an external firm on behalf of Maldon District Council (MDC), who identify the level following the submission of more detailed information than the Refusal Application. There would however still be resulting harm to the character of the open countryside.
- 3.2.5 The development would result in high quality design which has acceptable provision of private amenity space and car parking to all units. The public open space would be located centrally within the scheme, providing an open internal area to be used by residents. Officers recommend securing details of some children's play space equipment to be utilised in the space. Following the submission of further information, the initial ecology issues have been addressed, including the impact on the nearby Essex Estuaries designated habitats sites.
- 3.2.6 The Site is located outside of the established settlement boundary and is not allocated. The principle of development is therefore contrary to the spatial strategy of the Local Plan. As stated above, following the determination of the previous application, the changes to National Planning Policy Framework (NPPF) mean the Council can no longer demonstrate a 5YHLS. As such, the policies most important to the determination of the housing must be considered to be out of date and the

application must be assessed in line with NPPF Paragraph 11(d), also known as 'the Tilted Balance'.

- 3.2.7 Officers have conducted an assessment of the benefits against the harms, finding that the harms would not significantly and demonstrably outweigh the benefits of the provision of 55 homes towards the Council's inadequate 5YHLS.

#### **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
- 90-95 Ensuring the vitality of town centres
- 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
- 202-214 Conserving and enhancing the historic environment

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

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

- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### 4.3 Mayland Neighbourhood Plan 2021-2042 (2025)

- MAY G1 Sustainable development
- MAY G2 Development layout
- MAY G3 Housing type and mix
- MAY D1 Character-led design
- MAY D2 Sustainable and energy efficient buildings
- MAY D3 New green spaces
- MAY E1 Recreational disturbance, avoidance and mitigation
- MAY E2 Biodiversity
- MAY E4 Sustainable drainage
- MAY A1 Walking, cycling and horse-riding
- MAY A2 Public transport
- MAY A3 Street design
- MAY A4 Parking standards and design
- MAY A5 Electric vehicle charging points

#### 4.4 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

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

- At least 45 per cent **affordable housing** with no greater than 20 per cent intermediate product and at least 80 per cent affordable rent.
- £38,400 **healthcare contribution** to increase capacity for medical GP care and ambulance services in the general vicinity, to be paid prior to the occupation of the 20<sup>th</sup> dwelling.
- Multiple **education contributions** towards the improvement, enhancement and extension of additional facilities, comprising an Early Years Child Care financial contribution of £80,982 and a Primary Education financial contribution of £269,940.
- A **library contribution** of £4,279
- Education monitoring fee of £700 per obligation (£2100 total for the three obligations).
- Provision of a **RAMS** contribution (index-linked) of £169.45 per new dwelling.

## 5. **MAIN CONSIDERATIONS**

### 5.1 **Principle of Development**

#### Policy Position

- 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 NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 It is important to remember in relation to the Mayland Neighbourhood Plan (MNP), that NPPF Paragraph 31 states that *“once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”*.
- 5.1.3 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.
- 5.1.4 Policy S2 (Strategic Growth) of the LDP 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. As a consequence, a development such as proposed in this case would be considered as a ‘windfall site’ for the purposes of policy S2.
- 5.1.5 Local Plan Policy S8 (Settlement Boundaries and the Countryside) identifies a hierarchy for settlements within the district – Goldhanger is categorised as a ‘smaller village’. Policy S8 steers new development to within settlement boundaries, in line with the hierarchy, and states that *“the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. The application Site is adjacent to, but outside, the Goldhanger settlement boundary.
- 5.1.6 Policy S8 goes on to state *“outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon”* and provides a set of thirteen criteria way such development would be supported. The current proposal would not meet any of the 13 criteria.
- 5.1.7 Policy MAY G1 (Sustainable development) of the Mayland Neighbourhood Plan (Neighbourhood Plan or MNP), which was made on 25 September 2025 and postdates the Refusal Application. The policy states that *“development should be located within or immediately adjacent to and contiguous with the settlement boundary”*, prioritising infill or existing brownfield land. The policy requires that *“where development is proposed outside the settlement boundary, it must be contiguous with*

*the boundary. The use of brownfield sites outside the settlement boundary, and contiguous to it, should be utilised before greenfield sites where possible”.*

- 5.1.8 The Site lies outside of the defined settlement boundary for Mayland. the nearest point of which adjoins the western side of Mill Road, directly to the west of the Site. The Site is not subject to any allocation for development. The proposal is therefore contrary to the spatial strategy and settlement hierarchy of the local development plan, in particular failing to accord with Policies S2 and S8 of the Local Plan. In this regard, the development must also be looked at as a departure from the Local Development Plan with regard to advertising and public consultation. The Site is close to the settlement boundary, but not contiguous, nor is it brownfield land, thereby failing to accord with Policy MAY G1 of the Neighbourhood Plan.
- 5.1.9 Officers note the status of the Site within the Council’s Call for Sites; however, this constitutes a high-level review of the Site’s suitability and is not a direct indication that a Site will be allocated in an emerging Local Plan – officers therefore give this very limited weight in relation to the development diverging from the settlement boundary.
- 5.1.10 While this may be considered a reason for refusal in principle, the Council must consider the status of the development plan within the context of its five year housing land supply.

#### Five-year Housing Land Supply (5YHLS)

- 5.1.11 Paragraph 79 of the NPPF requires the Council as the Local Planning Authority (LPA) for the Maldon District to “*monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies*”.
- 5.1.12 NPPF Paragraph 78 requires “*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*”. The Council therefore prepares and publishes a Five-Year Housing Land Availability Report, annually.
- 5.1.13 The previous application which was refused (the Refusal Application) for 57 units on this Site was refused when the Council was able to demonstrate a 6.35-year housing land supply and the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF was therefore not engaged. Following changes to the calculation of housing supply in the NPPF, Maldon District Council, it was established in a report to Council on 12<sup>th</sup> February 2026 that the 5YHLS stands at 4.1 years. As such, it is recognised that the Council cannot demonstrate a 5YHLS.

#### 5YHLS and the Mayfield Neighbourhood Plan

- 5.1.14 The MNP was recently made on the 25 September 2025 and must therefore be afforded full weight, as part of the development plan. Paragraph 14 of the NPPF states:
- “In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)”*

- 5.1.15 The MNP did become part of the development plan within the five years previous; however, while it does indicate an acceptable spatial layout of local development for the neighbourhood plan area, it does not prescribe a level of local housing provision nor does it set out any policies or allocations which would meet the strategic identified housing requirement. Further, even if any such need were to be identified, this would be based on the adopted yet out of date Maldon Local Plan, in the absence of an up-to-date local plan.
- 5.1.16 As per NPPF Paragraphs 69 and 70, local housing need identified in neighbourhood areas should reflect the strategic need of the plan area. NPPF Paragraph 13 states that *“neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”*. The MNP does not set out any policies to address the districts housing need and must be read within the context of the wider housing land supply shortage on the strategic scale. While there is therefore conflict with the plan, the relevant housing policies must also be considered out of date within the context of the wider district-wide failure to demonstrate a 5YHLS.

#### Presumption in Favour of Sustainable Development

- 5.1.17 Chapter 2 of the NPPF seeks to achieve sustainable development, which runs throughout the policies in the Framework. Paragraph 11 presents the presumption in favour of sustainable development, with parts (c) and (d) sets out how the presumption should be applied in decision making.
- 5.1.18 NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:
- “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9].”*
- 5.1.19 As stated earlier in this committee report, the Council cannot demonstrate a 5YHLS. Footnote 8 (within NPPF Paragraph 11 above) clarifies that out-of-date policies *“includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.
- 5.1.20 The housing-related policies in the Local Plan must therefore be considered out-of-date and the application must be determined under sub-paragraph (d), rather than (c) which relates to up-to-date plans. This will be undertaken within the Planning

Balance and Conclusion section of this committee report, taking into account all material considerations assessed throughout.

### Loss of Agricultural Land

- 5.1.21 Local Plan Policy D2(11) states that “*development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land*”.
- 5.1.22 Natural England’s Provisional Agricultural Land Classification (ALC) places the Site within an area of grade 3 agricultural land. Grade 3 is split into two sub-categories of 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category.
- 5.1.23 NPPF Paragraph 187 (b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The Site was previously in use as a nursery and is currently covered in many dilapidated buildings following the end of its previous use. The loss of agricultural land was not given as a reason for refusal within the Refusal Application 24/00405/FULM. While the Site is within an area which may contain some grade 3a land, officers note the minor level of land being lost within the proposal. Officers also note the recent appeal decision in Latchingdon (ref 24/01004/OUTM), where the inspector gave limited weight to the loss of agricultural land in that instance, where the land was more usable and in greater quantity. Noting this and the site history, officers do not consider there to be a policy issue with the loss of the agricultural land.

## **5.2 Affordable Housing**

- 5.2.1 Policy H1 requires that all housing developments of 10 or more 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 the ‘Rural South’ area in Figure 7 of Local Plan policy H1 (Affordable Housing), which requires the provision of 40 per cent affordable housing. This would equate to 22 affordable homes.
- 5.2.2 Policy H1 is supported by MNP policy MAY G3, which requires 40 per cent of dwellings to be affordable. The policy also requires that “*all affordable housing, including First Homes, must be designed to be ‘tenure blind’, i.e.: it should be integrated into the design of the overall proposal and be of an equal quality in terms of its design and use of materials in comparison with the market housing element*”.
- 5.2.3 The applicant is proposing a total of 25 affordable homes of the site, which equates to 45.5 per cent. The overprovision above the required 40 per cent is a welcome benefit, which will be considered in the planning balance.
- 5.2.4 The 25 affordable homes proposed would comprise 20 affordable/social rent units and five intermediate units, which provides a respective 80:20 affordable tenure mix, which reflects the suggested tenure mix of the LHNA. The LHNA also requires at least 75 per cent of the affordable rent provision to be social rent.
- 5.2.5 The affordable housing would be pepper-potted throughout the Site, in accordance with policy.

- 5.2.6 The Council’s housing team support the proposal, stating that “*if this proposal is granted Planning approval this Application would greatly assist in meeting the Affordable Housing needs of the District and Strategic Housing Services supports this Application*”.
- 5.2.7 The above requirements would be secured through a Section 106 legal agreement bound to the permission, if members are minded to grant permission. Subject to this, the affordable housing would be policy compliant provision.

### 5.3 Unit Size Mix

#### Policy Position

- 5.3.1 Local Plan Policy S1 includes a number of key principles for decision making of which principle 2) is relevant in that it recognises that need to “*deliver a sustainable level of housing growth that will deliver a wide choice of high quality housing in the most sustainable locations*”. Policy H2 requires developments “*to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand*”.
- 5.3.2 Neighbourhood Plan Policy MAY G3 (Housing type and mix) supports housing proposals which include the provision of two and three-bedroom homes, whereas proposals for four (or greater) homes requires justification in terms of local housing need. The policy also supports proposals for housing that meets the needs of an ageing population, including bungalows.

#### Proposed Unit Size Mix

- 5.3.3 The application proposes the following mix of unit sizes:

Unit Size	Market	Affordable	
		Intermediate	Rented
One-bed	2	1	5
Two-bed	9	2	7
Three-bed	13	2	6
Four-bed	6	0	2

**Table 2 - Proposed Unit Size Mix Distribution**

- 5.3.4 This application was submitted under the 2021 LHNA. The 2025 LHNA was published on 12/11/2025 (with an amended version subsequently published in 2026) which made some changes to the identified need within the District. The 2025 LHNA housing mix is presented in the below table, with the proposed unit size mix in brackets:

Unit Size		Affordable		
		Market	Intermediate	Rented
One-bed		5-10% <b>(6.7%)</b>	15-20% <b>(20%)</b>	25-30% <b>(25%)</b>
Two-bed		30-35% <b>(30%)</b>	40-45% <b>(40%)</b>	30-35% <b>(35%)</b>
Three-bed		35-40% <b>(43.3%)</b>	30-35% <b>(40%)</b>	25-30% <b>(30%)</b>
Four-bed		20-25% <b>(20%)</b>	5-10% <b>(0%)</b>	10-15% <b>(10%)</b>

**Table 3 - LHNA 2025 Unit Size Mix (proposed in brackets)**

- 5.3.5 The intermediate affordable size mix is as close as possible, given the low number of units within the application. The affordable rent mix falls within the LHNA ranges. Officers support this mix.
- 5.3.6 The market provision would overprovide by a single unit in three-bed properties, with all other elements being within the LHNA ranges. In relation to market housing and following the LHNA being published, a Technical Advice Note (TAN) was published, which provided further guidance on unit sizes. Table 2 of the TAN introduces a 'suggested housing mix' for market units per the following table:

Unit Size	Mix
One-bed	10%
Two-bed	35%
Three-bed	35%
Four-bed	20%

**Table 4 - Technical Advice Note market housing mix**

- 5.3.7 Paragraph 5.4 of the TAN allows for flexibility in the application of this suggested market housing mix on scheme of up to 50 homes. The proposal seeks 55 homes.
- 5.3.8 The LHNA does however note that flexibility and local characteristics should be applied to considerations on individual sites, especially in non-strategic development, stating:

*“Some variation in housing delivery would be expected in different parts of the District, while total delivery district-wide should match the breakdown provided above. Site location and area character are also relevant considerations as to the appropriate mix of market housing on individual development sites. A flatted scheme in Central Maldon, for example, would not be expected to deliver many, or indeed any, four+ bedroom homes. Conversely, a smaller proportion of small homes may be appropriate in a less accessible location.*

*Larger schemes and strategic sites should be expected to match the recommended housing mix more closely, because they are likely to make up a more significant contribution to Maldon’s overall housing delivery. By contrast, small sites should not be expected to deliver a wide mix of housing in line with the percentages shown above.”*

- 5.3.9 Further to this, officers note the support of the MNP to two and three-bed dwellings, but requirement for justification on any new dwellings of four bedrooms or more.

Unit Size Mix Summary

- 5.3.10 The proposed affordable unit size mix would be LHNA compliant. The market mix would have an overprovision of one three-bed, but otherwise be LHNA compliant, although it does not reflect the TAN’s preferred housing mix by one unit. Noting that the applicant has made significant amendments to the unit size mix and the small scale of the deviation due to the relatively small development size in terms of being slightly above the 50-unit cap, this is considered to be acceptable and compliant with the LHNA mix on the whole. The application also proposes four-bed properties, which the MNP resists without justification. These are proposed in order to be compliant with the district-wide housing mix. The surrounding area is typified by family-sized accommodation and the provision of a relatively small number of eight larger units is considered acceptable for the Site’s surroundings.

## 5.4 Quality of Proposed Accommodation

5.4.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.

5.4.2 The fourth reason for refusal of the Refusal Application stated:

*“The proposed development, due to the under provision of private amenity space for many plots and the overbearing sense of enclosure of gardens adjacent to the site's boundaries due to the height and proximity of the existing boundary vegetation, would result in poor living conditions for occupants. The proposal is contrary to Policy D1 of the approved Maldon District Local Development Plan, the Maldon District Design Guide SPD and guidance in the National Planning Policy Framework.”*

5.4.3 All proposed units would have internal floorspace which meets or exceeds the applicable requirements of the Nationally Described Minimum Space Standards (NDSS). All units would benefit from dual aspect accommodation and acceptable internal layouts with appropriately located and sized windows which provide adequate light, outlook and ventilation to all habitable rooms.

5.4.4 Notwithstanding the design of buildings to provide sufficient outlook, in addition to the lack of any nearby sizeable buildings impacting on natural light or outlook, there are many large trees in close proximity to the Site which may impact. The officers' report for the Refusal Application stated:

*“There is also concern with regard to the impact of the trees surrounding the site on the living conditions of occupants. These trees are up to 9m in height and have a crown spread of 3m into the site. Whilst it is proposed that the trees would be ‘faced back’ to allow for the construction, the trees are very close to proposed dwellings and gardens. In many instances rear gardens would be enclosed by trees to a height of 9m, to an unspecified width. This would likely result in an overbearing sense of enclosure, particularly where there are shorter rear gardens (e.g., plots 36-40 and 41-48), corner plots such (e.g., plots 35 and 49), and where the trees would extend the length of the garden (e.g., plots 1, 7, 8 and 57). Where trees are located within the plot boundaries there is likely to be pressure to remove the trees or significantly reduce the height and extent of the trees.”*

5.4.5 The current proposal has reduced the number of larger trees in these areas. Final specimen details will be assessed through a recommended condition to secure a soft landscaping plan in Section 8 of this committee report, where specific tree size through specimen can be required.

5.4.6 The application is supported by a Noise Impact Assessment (NIA). The NIA identified that the dominant noise source is road traffic from Steeple Road. The application is supported by a Noise Impact Assessment (NIA). The NIA identified that the dominant noise source is road traffic from Steeple Road and demonstrates that Guideline noise levels for external amenity areas can be met without the need for an additional mitigation. The environmental health team have advised that *“internal noise levels can be met in the majority of rooms in the majority of plots. Plots to the south of the site, closest to Steeple Road are likely to experience slight exceedances of the guideline internal noise levels in BS8233:2014 with windows open”*. The current application has demonstrated an improvement over the Refusal Application, which officers note did not form a reason for refusal on that application. The environmental health team do however comment that suitably specified glazing and alternative means of ventilation will be required for certain plots, recommending a condition

which officers have added in Section 8 of this committee report. Subject to suitable details submitted to discharge that condition, officers are satisfied that future occupiers would not experience unacceptable levels of noise or disturbance.

#### Private External Amenity Space

- 5.4.7 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. The MDDG requires private external outdoor areas to be provided to all dwellings as follows:
- 100sqm for three or more bedrooms
  - 50sqm for one or two-bedrooms
  - 25sqm minimum for flats
- 5.4.8 The Refusal Application officers' report noted that 28 per cent of the proposed units had gardens which failed to meet the minimum requirements of the Essex District Design Guide (EDDG). This formed part of the fourth reason for refusal.
- 5.4.9 The current scheme addresses this issue. All proposed units would have direct ground floor access to private amenity space which meets or exceed the MDDG requirements. The spaces would have an acceptable level of privacy for the typical residential layout and would be enjoyable in terms of noise or disturbance.

#### Restrictions to Permitted Development

- 5.4.10 In addition to protecting the amenity of existing nearby residents and the design of the surrounding area (considered within the relevant sections of this committee report, officers consider it a reasonable requirement to remove permitted development rights (within householder classes A, B, C, D and E) for all proposed buildings. This will ensure that acceptable garden sizes are retained and not eroded by extensions, or additional windows or roof extensions harming levels of privacy. This does not necessarily prohibit future occupiers from seeking to extend their properties but ensures that a planning assessment can determine if development is inappropriate.

#### Summary of Proposed Accommodation Quality

- 5.4.11 Officers consider the proposal to address the previous reason for refusal in relation to housing quality. It would provide a good quality of accommodation to future residents, in accordance with Local Plan Policy D1.

### **5.5 Landscape and Visual Impact**

#### Policy Position

- 5.5.1 Local Plan Policy S1 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 will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements.*
- 5.5.2 The site does not fall within any formal landscape designation.
- 5.5.3 The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (LCA) document shows the Site to be within Landscape Area 'E2

Tillingham and Latchingdon Coastal Farmland' the key landscape characteristics of which are:

- Gently undulating arable farmland behind the coastal marshland, locally quite steep.
- Heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay.
- Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient planned enclosure.
- Dutch elm disease has made elm loss noticeable in hedgerows.
- Right-angled bends in lanes reflect ancient field pattern.
- Settlement pattern follows underlying soils - sand and gravel formations on a ridge between Bradwell and Burnham - elsewhere settlement on slopes in clay

5.5.4 The LCA notes within the 'visual characteristics' of the E2 area that there are "steep slopes descending to Steeple, Mayland and St Lawrence visible from across the Blackwater Estuary".

5.5.5 The LCA assesses E2 as having a 'moderate' sensitivity to change and the relevant key planning and land management issues in this area include:

- Potential further loss and decline in hedgerows due to intensive agricultural practice and lack of management.
- Pressure of increased traffic on rural and minor lanes especially during peak tourist seasons.
- Pressure from increased water-related leisure activities and effects on tranquil areas.
- Potential visual intrusion of telephone masts.
- Effects of new uses on tranquillity such as firing ranges.
- Potential for more visually intrusive expansion to the settlement edges  
Potential for visually intrusive development of new farm buildings.
- Flood protection and managed retreat issues.

5.5.6 Landscape impact was mentioned in Refusal Application reasons for refusal 1, 2 and 3, which state:

1. The proposal 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 site is not in a sustainable location as the majority of journeys to and from the site would be reliant of travel by private car. The benefits identified, most notably the over provision of affordable housing, do not outweigh the adverse impacts of the development. 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 and guidance in the National Planning Policy Framework.
2. The proposed development, due to its scale, design, poor connectivity and layout is not in keeping with the local context and the development does not achieve high quality design. Furthermore, the under provision of private amenity space, car parking, and public open space results in over development of the site. The proposal is contrary to Policies S1, D1 and H4 of the approved Maldon District Local Development Plan, the Maldon District

Design Guide SPD, the vehicle Parking Standards SPD and guidance in the National Planning Policy Framework.

3. The application fails to include insufficient information in order to accurately assess the landscape and visual impacts of the proposed development. There is potential for loss of trees and hedges surrounding the site to make provision for the footway to the front of the site, dwellings and rear gardens. The proposal is contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.

### Landscape and Visual Impact Assessment

- 5.5.7 The application is supported by a Landscape and Visual Impact Assessment (LVIA), produced by Enviropass. It takes the form of the previous LVIA, with a technical addendum note to cover the changes in the amended scheme. The LVIA has been reviewed by WWA Associates on behalf of the LPA. WWA have provided a review on the methodology and conclusions of the LVIA, which officers have taken into consideration and included within this committee report assessment. WWA conducted the LVIA review on the Refusal Application.

### Methodology and Baseline Assessment

The WWA review notes that their previous comments on the methodology of the LVIA stand, given the re-use of the main report; however, state that *“it is important to note the Applicant’s LVA Addendum does provide useful responses to issues raised in the first WWA review. I am content that many disputes over methodology are based on minor professional differences. It would appear that the most productive way forward is to examine the findings of the LVA against the new proposals”*.

- 5.5.8 For reference, the officers’ report for the Refusal Application stated the following in relation to the LVIA methodology:

*“The Landscape Review (LR) is satisfied the LVA includes a methodology that is broadly in line with the ‘Guidelines for Landscape and Visual Impact Assessment’ Third Edition (GLVIA3) and provides the necessary level of information for a development of the size proposed. The LVA (Para 5.18) also references the Landscape Institute’s Technical Guidance Note (TGN) ‘Assessing the Value of Landscapes Outside National Designations’ 02-21. The inclusion of this guidance document is good practice as it builds on the details within GLVIA3.*

*However, the LR notes that there are some omissions, for example the LVA (Paras 9.6 & 10.6) suggests that the “Magnitude of landscape [and visual] effect is also derived from a combination of two main factors:*

- *Size/scale of landscape effect; and*
- *Geographic extent of landscape effect”.*

*Whilst this is accurate, the magnitude of landscape and visual effects also needs to be assessed in terms of their duration and reversibility. For the purposes of the LR, the development should be regarded as **Permanent and Irreversible**.*

*The LR also considers there appears to be a general avoidance of intermediate judgements such as medium-low which would have been helpful particularly where the varying judgments of sensitivity and magnitude of change fall between two levels. Where such judgements have been combined, the LVA generally opted for a lower*

*judgement. Although the LR does not necessarily agree with this approach, some of the differing judgements would not be deemed unacceptable.”*

- 5.5.9 Officers are satisfied that the methodology and baseline assessment of the submitted LVIA are sufficient to allow for it to be acceptably interpreted and assessed. The review noted that:

*“The information submitted within the LVA report does broadly accord with guidance outlined in GLVIA3. Although a previous review has questioned some elements of the methodology, I am content that the necessary steps have been taken to accurately assess the potential landscape and visual effects of the proposed development.” (Para 3.1)*

#### Landscape Effects

- 5.5.10 Section 9 of the submitted LVIA addresses the landscape effects of the proposal. The

As part of the Refusal Application submission, the LVIA that was submitted considered the local landscape setting as having low value, giving medium value landscape to the wider setting and farmland areas. The officers' report for that application stated that *“in the absence of a robust assessment these judgements are too low”*.

- 5.5.11 WWA's 2026 review agrees with the submitted LVIA that the development would result in a 'minor' adverse level of landscape impact initially, with this level remaining by Year 15. The review states that *“this reflects the somewhat abandoned nature of the existing site and the ability of the immediate landscape to accommodate residential development of this scale”*. While the Site would be substantially changed, the impact would be limited in geographical extent.

In terms of the impact on the wider landscape setting, the LVA concludes a 'minor' adverse landscape effect initially, reducing to 'minor/negligible' adverse by Year 15. The 2026 WWA review agrees with this assessment, stating that *“constrained visibility into the site will restrict the perception of character change within the wider context. Change across the site is likely to appear in keeping with the adjacent residential area that is established to the west”*.

#### Visual Effects

- 5.5.12 Section 10 of the submitted LVIA addresses the visual effects of the proposal. The selected viewpoints are considered acceptable and would accurately represent visibility in the area.

- 5.5.13 The review does however disagree with some assertions in the LVIA in relation to the visual effects impact on receptor groups in some locations, stating:

*“I generally agree with most of the summative assessments of visual effects presented for each receptor group on Page 14 of the LVA. This includes 'moderate/minor' adverse visual effects for people travelling along Mill Lane, with 'minor' or 'negligible' effects for other receptors. I do not, however, agree with the assessment of 'negligible' adverse effects for the occupiers of adjacent and nearby residential properties. It is my opinion that a select group of residents along Mill Lane are likely to experience a greater level of visual effects. A 'moderate' adverse level would be more appropriate considering the proximity of residents to the proposed development. The level of change would be particularly noticeable during the winter*

*months when boundary vegetation is not in leaf, as witnessed during my January site visit.”*

- 5.5.14 While adverse impacts have been identified, they are of a moderate level which was the same as that identified within the Refusal Application, which concluded that *“though these impacts have, for the most part, been deemed adverse, and the LR would judge visual effects to be greater than currently judged within the LVA, this would not be deemed unacceptable”*. Officers agree with this judgement on the current proposal and note that further mitigation can be applied through the landscaping scheme.

#### Landscape Proposals and Mitigation

- 5.5.15 The review noted that further information in relation to soft landscaping (including planting species), boundary treatments and details on hard surfaces should be provided. Officers recommend that these details are secured through a soft and hard landscaping plan, which would be secured via a condition recommended in Section 8 of this committee report.

#### Conclusion

- 5.5.16 The officers’ report for the Refusal Application concluded that *“the submitted LVA has not adequately addressed landscape receptors (i.e. site and immediate surroundings, key characteristics, individual elements or features, perceptual or aesthetic aspects) as part of the landscape baseline assessment that would typically be included within an LVA”*. The updated submission addresses these matters, allowing officers (utilising the WWA review) to be able to accurately assess the visual impacts of the development, namely:

- Landscape effects of ‘minor’ adverse impact on the Site itself, reduced to ‘minor/negligible’ by Year 15 of the development.
- Visual effects of a moderate adverse level to people travelling on Mill Lane, with negligible impacts from other views.

- 5.5.17 The identified effects are harms of the development and will be taken into consideration within the Planning Balance and Conclusion section of this committee report.

## **5.6 Layout and Design**

- 5.6.1 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 Section 12 of the NPPF at Paragraph 131 which 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.”*

- 5.6.2 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 such as design guides and codes”.*

5.6.3 LDP policy S1 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 will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements.*

5.6.4 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.*

5.6.5 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.

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

5.6.7 Following the Refusal Application, the MNP introduces multiple new neighbourhood plan policies and includes the Mayland Neighbourhood Plan Design Guide and Code (The MNDGC). Policy MAY G2 (Development layout) of the MNP states:

*“The layout of proposed development should contribute positively to local character having regard to the Mayland Neighbourhood Plan Design Guide and Code (The DGC) and the Essex Design Guide:*

*a) The nucleated development pattern of the settlement area should be retained, providing good access to the surrounding countryside and waterfront areas (Design Code SL 01).*

*b) Development should be planned to be permeable, promoting active and sustainable movements (Design Code SL 01).*

*c) Development on the edge of the settlement should avoid imposing a hard edge to the countryside, with landscaping introduced as appropriate to the site (Design Code SL 02).*

- d) *At the edge of the settlement, an informal arrangement of buildings may be appropriate, adding visual interest (Design Code SL 02).*
- e) *Buildings shall reflect the scale, massing and density of adjacent buildings, but avoiding repetitive housing types to support interest and variety in the built form (Design Code SL 02)."*

#### Layout and Density

- 5.6.8 The Neighbourhood Plan also provides density guidelines in policy MAY D1, stating *"the density of residential development should reflect existing densities which vary between 10 and 30 homes per hectare. Lower densities should be achieved on the edges of the settlement to create a gradual transition with the surrounding countryside (Design Code BF 04)"*. Officers also note that the Refusal Application was stated as being overdevelopment, which stemmed from the unacceptable levels of proposed accommodation, open space and lack of car parking. The Refusal Application fell outside of the proscribed density range; however, the current proposal would be within the range, at 29 dwellings per hectare. While density should only be read as a guide, the density of the development does not scale down towards the surrounding countryside these impacts were considered in the Landscape Impact section of this committee report. Notwithstanding the identified impact, the layout would be more dense than surrounding development and fails to reflect the existing urban grain.
- 5.6.9 In terms of the layout within the Site, the design is considered to comprise an acceptable form of development to future occupiers following the design changes proposed in the current layout.

#### Scale and Appearance

- 5.6.10 The proposed dwellings would be one- and two-storey buildings with pitched roofs, which is an appropriate design when considering the built context of the Site. This style of building would accord with Neighbourhood Plan Policy MAY D1. Front and rear gardens would be provided to plots. The built form of the majority of the Site would utilise acceptable distances between properties. The flatted blocks and the building line on the eastern boundary would have smaller gaps but these features would only be visible from a small stretch of Mill Lane for the former and the eastern buildings would have a significant amount of screening on the eastern Site boundary, which is located within a landscaped strip outside of residential gardens and can therefore be secured through the soft and hard landscaping condition.
- 5.6.11 The proposed material palette would include red brick, white render and a mix of red and grey roof tiles. This is an acceptable approach, creating a residential feel which is broken up by different materials to create visual interest, while also reflecting the features of adjacent buildings.

### **5.7 Open Space, Landscaping and Children's Play Space**

- 5.7.1 Policy N3 of the LDP requires development to contribute towards improving the provision, quality and or accessibility of local and strategic open space. Officers acknowledge that the existing Site is in a poor state, with dilapidated glass houses and other buildings present. There is no objection to the clearance, which would be of some townscape/landscape benefit; however, the benefit would be nullified by the identified landscape harm of the proposal (albeit identified at a low level).

5.7.2 The officers' report of the Refusal Application stated that:

*"Whilst the applicant's PS considers the proposals to be landscape-led, there is no evidence within the proposals to support this. The Design and Access Statement(DAS) Landscape Parameters 3.3 states that the spine road "will be a tree lined avenue with grass verges to support vegetation past the footpath on both sides to create a pleasant walking experience".*

*The spine road provides an opportunity for a well landscaped, tree-lined street, however the proposals do not deliver this. The tree planting along the spine road is sporadic and in many instances soft landscaping and grass verges cannot be achieved due to the location of garden walls, houses and car parking spaces immediately adjacent to the road."*

5.7.3 The current application seeks to address this, with significant greening of the central spine road and the inclusion of a central green space, which provides an open and verdant heart to the development. The site entrance has also been significantly improved, with greening across the boundary with Steeple Road and a tree-lined entrance way, and gardens set back from the road. This is a considerable improvement over the Refusal Application and would provide a good quality entrance and softening of the key boundary onto the public domain. Greening has also been retained on the boundary with Mill Road, softening that important boundary.

5.7.4 The proposal also improves connectivity issues with the Refusal Scheme, ensuring that a minimum 2m wide footway established on the Site's frontage is connect to the internal pedestrian path. The previously proposed pedestrian links onto Mill Road, which resulted in hedgerow removal and were poorly designed, have been removed.

5.7.5 The Refusal Application did not provide a dedicated area of public open space but proposed multiple small green pockets throughout the Site. This was not supported. The current proposal has revised the methodology, providing a relatively large area of c. 650sqm of green open space centrally within the Site. This would be accessible to residents, overlooked and provides an acceptable area to be enjoyed by residents and present play space for children. The officers' report for the refusal application noted that the nearest large area of play at Lawling Park would be a 17-minute walk and considered the requirement for a Local Equipped Area of Play (LEAP) on the Site. It went on to note that the requirements would be a minimum 400sqm. This is not considered reasonable for the scale of the proposed development, noting that it would consume the vast majority of the open area, and officers are satisfied that the proposed green area is sufficient to meet immediate demand for residents, with the potential to travel to larger park areas in the vicinity. A condition is recommended to secure details of children's play equipment which would be situated within the green area. Subject to this, the green space is considered to be of good quality, complying with Local Plan Policy N3 and Neighbourhood Plan Policy MAY D3.

## **5.8 Impact on Heritage Assets**

### Policy Position

5.8.1 The NPPF provides the basis for assessing heritage harm on a planning application. The relevant sections state:

*"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*

*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>75</sup>.*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

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

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

5.8.2 The NPPF’s approach flows into the Local Plan. Policy D3 of the Maldon District LDP states that development proposals that affect a heritage assets and/or its setting will be required to:

- “1) Preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest;*
- 2) Be supported by a Heritage Statement which describes the asset’s significance in sufficient detail to understand the potential impact of the proposal upon the significance of the heritage asset through the proposed work to it and / of its setting.”*

5.8.3 The application is supported by the previous Heritage Statement and an addendum which provides context within the scope of a new application. The design does not significantly increase potential heritage impact and there has been no substantial heritage-related changes in policy.

## Identified Heritage Assets and Impact

- 5.8.4 The Site itself does not contain any heritage assets. The proposal would not impact the structure of, nor result in any physical damage to, any heritage assets. NPPF Paragraph 201 requires LPAs to assess the impact on the setting of any relevant heritage assets – all heritage considerations will therefore be in relation to the impact on their setting and thereby significance.

The only nearby heritage asset which is potentially impacted by the proposed development is the grade II listed 'Mayland Mill Public House'. The building is located c. 130m to the west of the Site and was listed on 30 May 1986. The Historic England listing describes it as:

*"Range of cottages, now a public house. C18. Timber framed, roughcast rendered, roofed with handmade red clay tiles. 5 bays facing S, with one internal stack, and one-bay wing to rear of left bay, with external end stack. C20 flat-roofed extensions in rear angle. One storey with attics. 4 C20 casements, and 4 more in gabled dormers. 2 C20 doors. Gambrel roofs. Louvred square bell turret on ridge, with shingled pyramidal roof and weathervane. Sign on front wall 'The Mayland Mill 1756'."*

- 5.8.5 There is significant distance between the application Site and the listed building, which is 1.5 storeys in height. Noting the proposed height of the 55 units and the intervening distance to the heritage asset with two-storey existing buildings and trees separating the two, there would be no impact on the setting or special interest of the listed building.

## Archaeology

- 5.8.6 Policy D6 requires that where development might affect archaeology, an assessment from an appropriate specialist must be carried out to identify the likely impact on known or potential heritage assets.
- 5.8.7 NPPF Footnote 75 advises that "non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets".
- 5.8.8 Local Plan D3 requires that "*where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. This assessment must include consultation of the Historic Environment Record*".
- 5.8.9 The application is supported by a submitted Archaeological Desk-Based Assessment (prepared by HCUK Group, Dated February 2025).
- 5.8.10 The application, including the submitted DBA, has been reviewed by an Essex County Council (ECC) Historic Environment Officer, who agrees with the submission that the site has moderate archaeological potential for remains dating to the Roman period. The site has moderate archaeological potential for remains dating to the Roman period. To mitigate any potential impact, the Historic Environment Officer has recommended a condition to secure a programme of archaeological investigation comprising a Written Scheme of Investigation (WSI), implementation of any approved mitigation works and the submission of a report of findings.
- 5.8.11 Subject to the mitigation within the recommended condition, officers are satisfied that the proposal acceptably identifies and mitigates impact on archaeological assets, resulting in no heritage harm.

## Summary of Heritage Impact

- 5.8.12 Officers have concluded that the development would not result in any heritage harm subject to conditions, in accordance with the relevant parts of Local Plan Policy D3 and the NPPF.

## **5.9 Impact on Residential Amenity**

- 5.9.1 The basis of Policy D1 (4) of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.9.2 There are residential properties to the west of the site, on Mill Road, which face towards the application site and are a minimum of 15m from the site's boundary. To the east of the site is a residential property at No. 75 Steeple Road. There are no nearby dwellings to the north or south of the Site.

## Outlook, Privacy and Overlooking

- 5.9.3 The existing dwellings on the western side of Mill Road are sufficiently distanced (minimum c. 20m) from proposed buildings to alleviate any concerns regarding overlooking or outlook. Further, the facing windows of the Mill Road properties would be front windows looking over the public area, which can expect facing development on the opposite side of a street.
- 5.9.4 The MDDG states that "*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*". The dwelling at No. 75 Steeple Road would not be back-to-back with the nearest proposed dwelling (No. 55), which has its rear elevation and rear garden facing north. The dwellings would both front downwards onto Steeple Road in a standard housing layout. Nevertheless, officers note that the proposed dwelling No. 55 would have no east-facing side windows and would be located c. 16.5m from existing No. 75, which is more than sufficient for side-by-side properties. Proposed dwelling No. 51 is located north of No. 75, but faces east-west, thereby not backing onto the existing rear garden at No. 75. Proposed dwelling No. 51 would have no south-facing windows and would be located c. 35m from the existing dwelling. While both proposed buildings would be visible from existing dwellings, they would not result in any unacceptable impact on outlook or overlooking to any existing properties and as such not amenity standards are compromised by the proposed relationship.

## Daylight, Sunlight and Overshadowing

- 5.9.5 The proposed dwellings would be significantly distanced from nearest existing residential properties as stated above. Noting the proposed scale of buildings, officers are satisfied that there would not be any significant impact on daylight or sunlight to existing properties, nor any unacceptable overshadowing to gardens.

## Noise

- 5.9.6 The proposed residential use is not a noise-generating use and vehicle movements would be in line with standard residential use, reflective of the surrounding area. While the residential use of the area would be intensified, it would not give way to

any unacceptable noise or disturbance at operational stage. Noise at construction stage would be controlled through national working hours, the Construction Environment Management Plan (CEMP) (recommended to be secured by condition) and the Control of Pollution act.

### Smell and Pollution

- 5.9.7 The proposed residential houses would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area. While there would be an uplift in vehicle trips associated with the proposed parking, the uplift in the number of vehicles using the road would not be at a level which results in a significant detrimental increase in emissions and the vehicles would use existing roads for access.
- 5.9.8 The Construction Management Plan condition on the Outline Permission would also include a requirement on dust management, protecting air quality.

### Impact on Residential Amenity Summary

- 5.9.9 Subject to the recommended condition regarding permitted development restrictions, officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling. This complies with the relevant requirements of LDP Policy D1.

## **5.10 Air Quality**

NPPF Paragraph 199 requires that “...*planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan*”. The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone.

- 5.10.1 Local Plan Policy D2(6) in part requires development to minimise its air quality impact on the environment and human health, requiring appropriate avoidance, alleviation and mitigation measures.
- 5.10.2 The application is supported by an updated Air Quality Assessment (AQA) (dated February 2025), prepared by Gem Air Quality Ltd. The AQA demonstrates that there would be no adverse impacts from the operational phase.
- 5.10.3 The AQA does note that there are short term risks from the dust during the construction phase. The Council’s environmental health team have recommended mitigation measures to form part of a Construction Management Plan to mitigate the construction impact.
- 5.10.4 Subject to the recommended condition, officers are satisfied that the application would have an acceptable impact on air quality, in accordance with Local Plan Policies D1, D2 and the NPPF.

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

- 5.11.1 The Refusal Application was not refused based on impact on the transport network. The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms it is not contrary to national/local highway and transportation policy and current safety criteria.

5.11.2 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.

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

- Construction Management Plan
- Implementation of the proposed vehicle splays to the Site access
- Implementation of the bellmouth junction of the Site access
- Implementation of pedestrian access
- Offsite bus stop works
- Provision of Residential Travel Information Pack (including six one-day travel vouchers) to each dwelling

#### Highway Capacity

5.11.4 The Highway Authority have not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway network is not expected to be significant and in no way severe, which is the requirement to recommend refusal on highways grounds under NPPF guidance. Whilst it is noted that the predicted vehicle trip numbers in the Transport Assessment are slightly lower than could be expected at this location, they are not significant enough to have a material impact on the highway network.

5.11.5 The application is supported by a Transport Assessment ('TA'), prepared by RGP, dated April 2024, which includes details of the access and visibility splays and a Stage 1 Road Safety Audit. Public objections are noted, stating unsafe roads including the sharp bend in Steeple Road with a 40mph limit; however, these aspects have been considered by the Highway Authority and while any new residential development would naturally increase potential collisions by way of new access and additional vehicle trips, it is not considered to result in unacceptable levels of risk. This is the same as the stance on the Refusal Application, which was not refused based on highway safety.

#### Access

5.11.6 The proposed vehicular access is essentially the same as the Refused Application, which did not draw objections within that application. The point of access would be on the southern boundary of the Site, onto/off Steeple Road. The access has been designed to allow for two private vehicles to pass simultaneously to avoid potential impact on the free flow of traffic on Steeple Road. The access is in a 40mph zone. The Highway Authority has advised that the access point is safe, appropriate and would not be detrimental to highway safety. The access points is similar to that which was approved under the outline permission for a 60-bed nursing home (MDC ref 12/00452/OUT). While officers give weight to this previous decision albeit only limited weight, as it was granted under a different set of circumstances, different Local Plan and NPPF.

5.11.7 The width of the access also allows for refuse vehicles to enter and egress the site – these design details can be secured through the conditions requested by the

Highways Authority, requiring the implementation of the bellmouth junction and visibility splays (including maintaining landscaping at a maximum 0.6m in these areas in these areas) of the Site access. The land within the visibility splays will fall within the publicly maintained highway, thereby falling within the control of the Highway Authority. The access would provide sufficient access for larger vehicles, including emergency vehicles or waste collection vehicles.

- 5.11.8 Pedestrian access would be from the same point, with a condition recommended that would secure the widening of the Site's frontage to 2m. The updated design improves on the Refusal Application, extending the footway further into the Site.

#### Parking

- 5.11.9 Policy D1 (5) requires development to provide safe and secure car and cycle parking having regard to the Vehicle Parking Standards (VPS) SPD and Policy H4 (density (5)) refers to developments having regard to parking standards

- 5.11.10 The fifth reason for refusal of the Refusal Application was in relation to insufficient onsite parking, stating:

*"The proposal fails to provide sufficient onsite parking spaces and visitor parking spaces. This would result in indiscriminate parking across the site and surrounding area where on-street parking is very limited. The proposal is contrary to Policies D1, H4 and T2 of the approved Maldon District Local Development Plan, the Vehicle Parking Standards SPD of the local planning authority and guidance in the National Planning Policy Framework."*

- 5.11.11 The Council's adopted VPS SPD sets minimum parking standards for dwellinghouses as follows:

- One space per one bed dwelling; two spaces per two and three bed dwellings; three spaces per four+ bed dwellings
- Visitor parking: one spaces per four dwellings
- Cycle parking: none if garages provided; otherwise, one / dwelling (one bed); two / dwelling (two+ beds); + 1 / 8 units (for visitors)

- 5.11.12 The submitted plans demonstrate that a policy-compliant level of car parking would be provided.

- 5.11.13 The submitted DAS confirms that EV charging points would be provided *"for all units with parking adjacent to homes"*. This is secured by Building Regulations Approved Document S and therefore a planning condition is not necessary.

#### Sustainable Transport

- 5.11.14 The Site is located outside of the settlement boundary of Mayland, which is defined as a 'larger village', the second highest settlement classification in the hierarchy of Local Plan Policy S8. The proposal includes some sustainable transport qualities, including the provision of cycle parking (although officers note this is a policy requirement), upgrades to the two nearby bus stops (as required by Neighbourhood Plan Policy MAY A2) and the provision of sustainable travel vouchers.

- 5.11.15 Sustainable accessibility is a key thread running through the NPPF and the Local Plan. Decisions being made under the tilted balance in NPPF Paragraph 11(d) must give particular regard to the listed NPPF paragraphs, which include references to sustainable transport and accessibility of services and infrastructure. Matters

relating to this will therefore be assessed within the Planning Balance and Conclusion section of this committee report.

### Parking

- 5.11.16 Policy D1 (5) requires development to provide safe and secure car and cycle parking having regard to the VPS SPD and Policy H4 (density (5)) refers to developments having regard to parking standards

## **5.12 Ecology and Biodiversity**

- 5.12.1 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*'.
- 5.12.2 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.
- 5.12.3 Policy N1 of the LDP 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. Policy N2 of the LDP 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.
- 5.12.4 The MNP has been adopted; however, in relation to ecology impacts, the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites, as per the Neighbourhood Planning (General) Regulations 2012 (as amended).

### Protected and Priority Species

- 5.12.5 Reason for refusal 6 of the Refusal Application stated:

*"6. The application includes insufficient ecological information to assess the impact of the proposed development on protected and Priority species. In addition, habitat degradation has occurred on the site and there is missing, and insufficient information 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 and guidance in the National Planning Policy Framework."*

- 5.12.6 The existing Site has fallen into an unkept state which has encouraged multiple animals to access the Site. The submission proposes mitigation measures for birds, mobile species including badger, hedgehog, foxes, rabbit, Great Crested Newt and reptiles, as identified in the submitted Ecology Report, Badger report and Reptile Survey.

- 5.12.7 Place Services Ecology have assessed the documents and support the findings, advising that the identified mitigation measures should be secured via a CEMP. The suggested mitigation has been added to the CEMP condition recommended by officers within Section 8 of this committee report. The submitted Reptile Study recorded one Slow worm on the Site and low populations of reptiles; however, proposed mitigation measures including a precautionary method of works, overseen by an Ecological Clerk of Works, to address this. The Ecology Report was updated to include consideration of the Hazel Dormouse, with acceptable mitigation proposed.
- 5.12.8 The Site has bordering vegetation which would be suitable for foraging and commuting bats. External lighting can have a significant impact on the light-sensitive species. As requested by Place Services, officers recommend securing a Wildlife Sensitive Lighting Scheme which follows the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals, 2023). The scheme would have low-level lighting (and potentially using cowls or hoods) to reduce spill, warm-white lights of <2700k to reduce the more egregious blue spectral wavelengths and utilise movement sensors and timers, to reduce the time of lights being activated outside of essential use.
- 5.12.9 The design includes five bat boxes to provide biodiversity enhancements for that protected species. This is welcomed, but Place Services Ecology state that they *“recommend that further enhancements including bird boxes for priority species, log piles, insect boxes, hibernacula’s and gaps in any fences for hedgehogs are also included in the enhancements. The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent”*. This condition has been recommended in Section 8 of this committee report.

#### Biodiversity Net Gain

- 5.12.10 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent BNG. The BNG Planning Practice Guidance (PPG) sets out how mandatory BNG’s should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
- 5.12.11 The application is subject to statutory BNG. The submitted Statutory BNG metric and BNG predictions report demonstrates that the proposal would result in a 6.73 per cent reduction in onsite biodiversity units. It is therefore recommend that the applicant secures off-site biodiversity units through local Habitat Banks registered on the biodiversity gain site register, to meet statutory requirements. Alternatively, the applicant could proceed with the Government’s Statutory Biodiversity Credit option at a last resort. A copy of the finalised Statutory Biodiversity Metric - Calculation Tool with off-site units or Statutory Biodiversity Credits will be required as part of the Biodiversity Gain Plan. This can be secured through the statutory BNG condition, by informative. As currently shown, the development would need to make up 1.56 units in order to meet the statutory 10 per cent.
- 5.12.12 Place Services Ecology have advised that they support the proposed ‘reasonable biodiversity enhancements’ for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187(d) and 193(d) of the NPPF. Reasonable biodiversity enhancement measures are a separate matter to mandatory BNG’s and the finalised details are

recommended to be secured within a separate Biodiversity Enhancement Strategy condition, if members are minded to grant permission.

### Trees and Hedges

- 5.12.13 There are no onsite trees that are subject to a Tree Preservation Order (TPO) or are protected by way of being inside a conservation area. The third reason for refusal of the Refusal Application

*“The application fails to include insufficient information in order to accurately assess the landscape and visual impacts of the proposed development. There is potential for loss of trees and hedges surrounding the site to make provision for the footway to the front of the site, dwellings and rear gardens. The proposal is contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.”*

- 5.12.14 The officers’ report for that application clarifies that the objection does not stem from the impact on trees itself, but the unknown of how any removals will affect landscape views, stating:

*“No details have been provided in the application informing how the development would affect the trees in this location or what lengths of tree lined areas would need to be removed in their entirety or cut back to the boundary to accommodate the dwellings. It is therefore not clear what effect this would have on landscape impact. Furthermore, there is potential conflict with the position of the visitor parking spaces on the western side of the site with the adjacent trees.*

*The Council’s Tree Consultant has considered the submitted information and raises no objection to the application subject to a condition requiring details of replacement tree planting. Although the impact on trees may be considered to be acceptable, the lack of information on the areas identified above results in there being insufficient information to accurately assess other impacts.”*

- 5.12.15 The current application is supported by an Arboricultural Report Rev 1, dated 20/12/2024 and a Tree Protection Plan (TPP), prepared by Andrew Day Arboricultural Consultancy, which has been reviewed by the Council’s arboricultural officer. The document indicates that several individual or groups of low value vegetation will require removal to facilitate the proposed development. The proposal requires the removal of three tree groups and three trees, which are all Category C trees, and the reduction of a Hawthorn/Blackthorn hedge group (also Category C) back to the boundary. The removed trees include two Sycamores and a Pear tree (all mature), two hawthorn/blackthorn hedge groups and a Wych Elm group which appear to be diseased.

- 5.12.16 Officers are satisfied that the removal of the trees is absolutely necessary in order to enable the development to come forward. The BS5837 British Standard is industry standard in assessing tree quality, with Category C trees being considered ‘low quality’. The impact is considered minor, with the majority of existing trees/hedges being retained. The losses will be mitigated through high-quality specification and planting of new trees as part of the Site’s landscaping. Subject to a condition requiring soft and hard landscaping plans, the arboricultural officer has no objection to the proposals provided they comply in full with the methodologies and practices specified within the submitted arboricultural reports and plans.

- 5.12.17 The application proposes the planting of new onsite trees, which would suitably mitigate the low level of harm which arises from the proposed removals/works;

however, this can be further improved and scrutinised within the arboricultural officer's landscaping condition.

- 5.12.18 Subject to the recommended conditions, officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N1 and Policies MAY E2 of the Neighbourhood Plan.

#### European Designated Sites

- 5.12.19 Following an initial objection, further information was submitted, which allowed Place Services Ecology to comment in support of the application. The additional information showed that the proposal would have an acceptable impact on coastal habitats sites, including the Blackwater Estuary Special Protection Area (SPA) and RAMSAR site. The applicant demonstrated that there would be sufficient greenspace and walking routes to allow future occupiers to use, which avoid the estuary and its protected areas. The mitigation includes greenspace areas located at the Mayland Nature Reserve site, which is nearer to the Site (and accessible by public footpath) than the SPA and RAMSAR sites. Bakersfield green space is further afield but does provide another option. There would be available circular walks in these unsensitive locations, including, which would be promoted to residents.
- 5.12.20 The Site falls within the evidenced recreational Zone of Influence (Zol) 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 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.
- 5.12.21 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.12.22 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? **Yes – The proposal is for a net increase of 55 dwellings**

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

Is the proposal for 100 houses + (or equivalent)? **No, the proposal is for 55 dwellings**

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

#### Summary of Appropriate Assessment

5.12.23 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 (currently £169.45 per dwelling in line 25/26 tariff) for delivery prior to occupation. 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. The contribution is recommended to be secured through a section 106 legal agreement.

5.12.24 The recommended CEMP condition includes measures recommended by Place Services Ecology to avoid impacts upon the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries SAC during the construction phase.

### **5.13 Drainage and Flood Risk**

5.13.1 The eighth reason for refusal of the Refusal Application stated:

*"The application includes insufficient information to demonstrate that the proposal would be acceptable in terms of flood risk and how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as sustainable drainage systems. The proposal is contrary to Policies D2 and D5 of the approved Maldon District Local Development Plan and the guidance within the National Planning Policy Framework."*

#### Surface Water Drainage

5.13.2 The site is located in Flood Zone 1 and is therefore, at low risk of flooding. The application proposes to dispose of surface water via SuDS, which directs surface water run-off to be restricted to 5.3 l/s via a private package pumping station before discharging to the drainage ditch to north east of the site, subject to a detailed levels and condition survey.

5.13.3 The Lead Local Flood Authority (LLFA) have assessed the proposal. Having originally requested more information in relation to roof-runoff storage, the discharge rate of one node and information on the risk associated with the pump facility (proposed in the northeast corner of the Site), the LLFA support the proposal subject to conditions securing:

- Development to be undertaken in accordance with the submitted Flood Risk Assessment
- Details of maintenance arrangements for the surface water drainage scheme
- Annual maintenance logs of the surface water drainage scheme

5.13.4 These conditions are recommended within Section 8 of this committee report.

## Foul Drainage

- 5.13.5 Anglian Water (AW) are the operator of the local sewerage system and were consulted on this application. AW confirmed that at present the system has available capacity to accommodate the additional flows. AW have confirmed that the Maylandsea Water Recycling Centre (WRC) has sufficient capacity to accommodate the additional foul flows from the proposed development. Therefore, there are no concerns in relation to foul drainage.
- 5.13.6 AW have requested a set of information be placed on the planning permission, should members be minded to grant, informing the applicant of their duties under the Water Industry Act. These are included in Section 8 of this committee report.

## **5.14 Land Contamination**

- 5.14.1 Local Plan Policy D2 states that “*where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source*”.

NPPF Paragraph 196(a) states that “*planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)*”.

- 5.14.2 A Tier 1 Contamination Risk Assessment, prepared by Sweco UK Ltd, dated 12 May 2023 Project Ref 65209723 was submitted in support of the application. The Site's previous use as a nursery and the presence of above ground storage tanks on site means that there are potential sources of contamination. Accordingly, Environmental Health require that an intrusive ground investigation, further risk assessment and the requirement to enact remediation works (if required) are secured by condition.
- 5.14.3 Subject to these conditions, officers are satisfied that the proposal would not be unacceptably at risk from contaminated land issues, in accordance with the relevant parts of Local Plan Policy D2 and the NPPF.

## **5.15 Energy and Sustainability**

- 5.15.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that “*development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate*”.
- 5.15.2 The application proposes the use of Air Source Heat Pumps (ASHPs) to provide sustainable energy. Objections stating that solar panels are not implemented are noted; however, the use of ASHPs is considered sufficient to achieve a sustainable energy build. Details of ASHP location and their impacts, including potential noise, are recommended to be secured through a planning condition recommended in Section 8 of this committee report. Subject to these details, officers consider the application to meet the requirements of Local Plan Policies D1 and D2.

## 5.16 Education Infrastructure

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

### Early Years and Childcare

5.16.2 ECC advise that there are four providers in the area; however, identifies a shortfall in capacity and the proposal is projected to create the need for an additional 3.9 places. ECC state that a contribution of £80,982 (index linked to Q1) would be required to mitigate the additional demand.

### Primary Education

5.16.3 ECC identifies a shortfall in capacity which will be exacerbated by some of the previous over-capacity buildings being converted for Special Educational Needs use. The proposal is projected to create the need for an additional 13.2 places. ECC state that a contribution of £269,940 (index linked to Q1) would be required to mitigate the additional demand.

### Secondary Education

5.16.4 ECC have not identified a shortfall in local secondary school provision, as there are sufficient places in the local area.

### Libraries

5.16.5 ECC has also advised that a contribution of £77.80 per unit is sought to offset additional usage of the local library. The contribution is considered necessary to support the expansion of the library service. This equates to a £4,279 contribution.

### School Transport Contributions

5.16.6 ECC education stated that part of the route to Maylandsea Primary School and Ormiston Rivers Academy (secondary school) would not be suitably accessible and therefore required a school transport contributions of 349,013.28 and £52,333.60 contributions respectively, Index Linked to 2Q 2023; however, the request for these contributions was withdrawn by ECC Education after the applicant demonstrated that there are acceptable routes from the Site, with transport therefore not being required.

### Education Infrastructure Summary

5.16.7 Officers have no concerns regarding the development's impact on education infrastructure, compliant with Local Plan policy I1, subject to the following financial contributions (all to be index linked to Q1 2025):

- Early Years Child Care financial contribution of £80,982
- Primary Education financial contribution of £269,940
- Libraries financial contribution of £4,279

5.16.8 In addition, a monitoring fee of £700 per education obligation should be secured within the S106 agreement in order to fund the monitoring of the infrastructure improvements which the contributions will be invested in.

## 5.17 Public Safety and Human Health

### Healthcare Infrastructure

- 5.17.1 Local Plan Policy I2 seeks to improve the District's health and wellbeing. The policy requires all residential development of 50 dwellings or more to undertake a Health Impact Assessment that measures wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.
- 5.17.2 The application is supported by a Health Impact Assessment (HIA) and has been reviewed by the National Health Service (NHS) (the Mid and South Essex Integrated Care System (ICS), who note that nearby GP practices do not have capacity due to the proposal and the cumulative growth within the area. The NHS state that the proposal would result in a ratio of 1:1,855 GPs in the area, which they accept is below the national average, is above recommended levels and therefore results in a negative impact.
- 5.17.3 The NHS have advised that the additional 55 dwellings would increase stress on existing NHS services, requiring a financial contribution of £38,400 to create the additional floorspace to mitigate the effects of the population growth. Subject to this financial contribution, the proposal would not have any unacceptable impact on healthcare services.

### Crime and Public Safety

- 5.17.4 Local Plan Policy D9 requires development to *"incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime"*.
- 5.17.5 NPPF Paragraph 96b states that *"planning policies and decisions should aim to achieve healthy, inclusive and safe places which...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas"*.
- 5.17.6 Essex Police Design out Crime raise several points in relation to the development, including ensuring that lighting, boundary treatment and landscaping create a safe and overlooked environment which does not create places of antisocial behaviour and crime. These details are all to be provided by conditions, where they will be assessed on the safety of the environment. The general layout creates an area which has the overlooking and openness of a standard residential street and officers consider that the proposal (subject to conditions) would create a safe environment for users.
- 5.17.7 Public representations and the Essex Police have identified the impacts on road incidents and emergency response times – officers are satisfied that there would not be a significant impact, as per the Highway Authority's review of the submission documents and lack of a reason for refusal given within the Refusal Application. The Police also comment on EV charging point security and Secured by Design standards. The EV charging points will be secured by Buildings Regulations Approved Document S, which should not be duplicated in planning requirements. While developments are encouraged to achieve Secured by Design standards, the policy base does not currently require compliance with these standards and they cannot therefore be insisted upon being secured.

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

5.18.1 The applicant has confirmed that they are willing to enter into a Section 106 (S106) legal agreement which would be bound to the permission if granted, to include the following planning obligations:

- Affordable Housing Scheme, including:
  - Provision of at least 45 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- Education contributions including:
  - Early Years Child Care financial contribution of £80,982
  - Primary Education financial contribution of £269,940
  - Libraries financial contribution of £4,279
  - A £700 monitoring fee per obligation (£2,100 total)
- NHS healthcare infrastructure contribution of £38,400
- Essex Coat RAMS contribution of £169.45 per dwelling (£9,319.75 total)

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

## 5.19 Planning Balance and Conclusion

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

### Presumption in Favour of Sustainable Development

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [9].”*

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

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

5.19.5 As detailed in this committee report, officers do not consider there to be any strong reason for refusal under any of the policies referred to in Footnote 7.

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

#### Sustainability of the Development

5.19.7 The Site lies outside of the defined settlement boundary for Mayland. the nearest point of which adjoins the western side of Mill Road, directly to the west of the Site. The Site is not subject to any allocation for development. Officers note the status of the Site within the Council’s Call for Sites was considered sustainable and appropriate for up to 60 dwellings; however, this is a high-level assessment and is not an allocation of the Site – officers therefore give this limited weight in considerations.

5.19.8 Mayland is categorised as a ‘larger village’ in the Local Plan settlement hierarchy, which is the second tier of settlement size. While this does not offer as much infrastructure or services as the main three settlements, Policy S8 notes that they are “*defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport*”.

5.19.9 Officers acknowledge that the Site is not immediately proximate to local services. There is a small convenience store located at a petrol station c. 850m from the Site, which is accessible safely on foot; however, this offers limited options. A larger convenience store located on Imperial Avenue would be 2.2km from the Site, approximately a 25-minute walk, which is also near other amenities. There is however a larger retail option at Morrisons in Maldon and Sainsbury’s in South Woodham Ferrers – while these stores would necessitate vehicle trips, that is to be expected at these larger retail sites. Maylandsea Community Primary School is approximately a 17-minute walk, which is considered reasonable and has been acknowledged by ECC Education as not needing a transport contribution due to acceptable pedestrian access. The walking distances would however fall outside of the preferred 800m distance to the local centre within Neighbourhood Plan Policy MAG G1. The Site would have multiple restaurant or takeaway options in close proximity. The Site would be close to multiple bus routes which provide public transport links to larger urban areas; however, it is accepted that the regularity of the

routes and timings would make it difficult to use for fulltime work; however, it is noted that the option is there and is in very close proximity to the Site, with pavement access.

5.19.10 The following planning balance assessment will be conducted within the scope of NPPF Paragraph 11(d)(ii).

#### Update from Previous Refusal

5.19.11 Aside from the revisions within the current submission, officers note the following new/changed material considerations in considering the application:

- Change to the status of the Council's 5YHLS
- Adoption of the MNP

5.19.12 The current application also addresses multiple of the issues that were previously given as reasons for refusal. To recap, the reasons for refusal of the Refusal Application can be summarised as:

1. Introduction of residential development beyond a settlement boundary, resulting in damage to the character and beauty of the countryside and creating development which is not in a sustainable location.
2. Scale and design not in keeping with the local context. Overdevelopment of the Site.
3. Insufficient information to accurately assess the impact on the existing landscape and the visual impacts on the surrounding landscape.
4. Under-provision of private amenity space and overbearing sense of enclosure to some proposed gardens.
5. Failure to provide sufficient onsite parking spaces and visitor parking spaces.
6. Insufficient information to demonstrate an acceptable impact on protected and priority species, and insufficient information demonstrating mandatory BNG would be met.
7. Lack of a S106 legal agreement to secure the following planning obligations:
  - Delivery of affordable housing
  - Financial contribution towards healthcare provision
  - Financial contribution towards education provision
  - Financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
8. The proposal failed to demonstrate that flood risk is appropriately mitigated.

5.19.13 Reason 1 will be considered as part of the planning balance, within the scope of the lack of a 5YHLS. Reason 2 has been mitigated somewhat, through improved design and landscaping; however, the harms are noted. Reason 3 has been partially addressed through additional information. Reasons 4, 5, 6 and 8 have been addressed through amended plans and mitigation. Reason 7 related to the failure to enter into a s106 legal agreement – this can be addressed through the signing of an agreement if permission is granted.

#### Benefits of the Proposal

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

### Social Benefits

- The provision of 55 new homes within the District that can be brought forward quickly on this Site, likely within the five year period. Given the pressing need, as evidenced by the lack of a 5YHLS, and also noting the added benefit of the 5 per cent additionality, officers give this significant weight.
- The development would provide onsite affordable homes. In addition, the development proposes 45 per cent of units as affordable homes, above the policy requirement and helping address the pressing need in the district. Officers give this significant weight.
- The provision of bungalows addresses an identified need within the LHNA. Officers give this benefit limited weight.

### Economic Benefits

- There would be some benefits in terms of job creation during the construction phase; however, this is a relatively short-term benefit. Future occupiers would utilise local facilities, improving the viability of these businesses. Officers give these benefits moderate weight (it is noted that limited weight was given in the Refusal Application; however, officers have taken note of recent appeal decisions including APP/X1545/W/25/3369961).

### Environmental Benefits

- Removal of the existing neglected structures and unsightly foliage on the Site, which will improve the appearance. Officers do however note that this benefit is tempered by the subsequent increase in built footprint and massing that would follow the removal of the structures, thereby affording only limited weight to this benefit.

5.19.15 The application has been assessed against the relevant policies of the Local Plan and MNP. The main harms resulting from the proposed the development are:

- Development located outside of the settlement boundary, failing to accord with the spatial strategy of the Local Plan; however, given the lack of a 5YHLS resulting in the relevant policies being considered out of date, officers give limited weight to this harm.
- The development would not be in location with limited sustainable transport links and access to many local amenities would require a significant walk. Officers give significant weight to this harm, as per the Refusal Application.
- The development would not accord with the density and urban grain of existing surrounding built form, including that noted within the Neighbourhood Plan Design Guide, and would be located on the urban edge to the open countryside. This would result in 'minor' adverse (falling to 'minor/negligible' by Year 15) landscape effects, with moderate adverse visual effects to people travelling on Mill Lane. Given the relatively low and constrained levels of effect, officers give this harm moderate weight.

5.19.16 The officers' report for the Refusal Application states:

*"The planning balance is not a mathematical exercise whereby an amount 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, which are significant, but also the significant harms identified with this particular proposal which are of importance to decision making. On the merits of this particular proposal, the harms clearly outweigh the benefits."*

- 5.19.17 Representations have been received citing some nearby appeal decisions, including Whitecap Mushroom Farm (MDC ref 16/00224/OUT and Planning Inspectorate ref APP/X1545/W/17/3182361) and Mayflower Nursery (MDC ref 20/00054/FUL and Planning Inspectorate ref APP/X1545/W/20/3261799). The former was determined when the Council was able to demonstrate a 5YHLS and therefore cannot be used as a direct comparison. The latter example was determined when the Council identified at 4.9 Year Housing Land Supply, which the inspector noted as being small and did not give as much weight to proposed housing (which was 19 homes in comparison to the proposed 55); that application at Mayflower Nursery was also considered to result in a far higher level of harm to the open countryside (the proposal extended significantly further eastwards, away from the settlement boundary) and the inspector gave this substantial weight in the balance. Officers have considered the appeal decisions as material considerations, but given limited weight to their outcomes due to the change in circumstances.
- 5.19.18 The current assessment is made in the context NPPF Paragraph 11(d), where permission should be refused if “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. The Site is not in a highly sustainable location; however, there are amenities within a walking distance and local businesses which could be frequented in close proximity to the Site. Taking into account the improved design, which has addressed many of the previous reasons for refusal in providing a higher quality of accommodation, access, landscaping solution, flood risk details and designated habitats sites information, and giving significantly reduced weight to the policy conflict of being located outside of settlement boundaries, officers conclude that the benefits of the harms of the proposal would not significantly and demonstrably outweigh the benefits.
- 5.19.19 Officers therefore conclude that planning permission should be granted.

## 6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
06/01415/OUT	Extra care bungalows, nursing home and community building.	Refused 20.03.2007
08/00087/OUT	Outline application for extra-care elderly persons bungalows, Nursing home, affordable housing bungalows for the elderly and community building.	Refused 17.03.2017 Dismissed at appeal 10.11.2008, ref APP/X1545/A/08/2081888/NWF
12/00452/OUT	Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia	Approved 19.12.2013
16/01423/RES	Reserved matters application for the approval of layout on approved planning application OUT/MAL/12/00452 (Application for 60 bed single storey nursing home for frail elderly people in the later stages of dementia)	Approved 16.02.2017.
16/01472/RES	Reserved matters application for the approval of appearance, landscaping & scale on approved planning application OUT/MAL/12/00452 (Application for 60 bed	Refused 17.03.2017 Dismissed at appeal 04.04.2018, ref

Application Number	Description	Decision
	single storey nursing home for frail elderly people in the later stages of dementia)	APP/X1545/W/17/3173084
23/00652/OUT	Outline permission with all matters reserved for up to 57 dwellings	Withdrawn on 20.09.2023
24/00405/FULM	Demolition of existing buildings/structures. The construction of 57 new homes, including 27 affordable housing units, the creation of a new access, and associated landscaping, car and cycle parking and refuse and recycling provision.	Refused 26.07.2024

6.1.1 Relevant adjacent development referred to in the report:

- Whitecap Mushroom Farm, Mill Road  
**16/00224/OUT and appeal ref. APP/X1545/W/17/3182361** – Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard, Dismissed at appeal 17.05.2018.
- Mayflower Nursery, Mill Road  
**20/00054/FUL and appeal ref. APP/X1545/W/20/3261799** – Change of use of the site from Sui Generis to residential, demolish existing buildings at Mayflower Nursery and erect 19 dwellings (including 8 affordable dwellings) with associated landscaping, amenity space, off-street parking and sustainable drainage. Form new vehicular and pedestrian access onto Mill Road including upgrade works to Mill Road, Dismissed at appeal 14.06.2021.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<p>This application is contrary to the following planning response codes:</p> <ul style="list-style-type: none"> <li>• E3 Community Services and Facilities –Schools, Doctors, Dentists</li> <li>• T1 Sustainable Transport – Roads, Buses,</li> <li>• T2/T1 Buses, Pedestrian access, visibility access, dangerous access</li> <li>• I1 Infrastructure and Services – Water/electric supplies</li> </ul>	

Name of Parish / Town Council	Comment	Officer Response
	<p>– ECC water-stressed, sewage already at maximum level, rainwater harvesting, insufficient parking</p> <ul style="list-style-type: none"> <li>• I2 Health and Wellbeing – Ambulance times, road traffic within and to/from Dengie</li> <li>• D1 Design Quality and Build Environment – Landscape</li> <li>• D2/S3 Climate change/Place shaping – Environment</li> <li>• D5 Flood risk – Flooding and surface water</li> <li>• S1/S8 Sustainable Development/ Settlement boundaries –outside settlement boundary</li> <li>• E1 Employment/ S7 Prosperous Rural communities – Lack of employment</li> <li>• D4 Renewable and Low Carbon Energy Generation – No Solar</li> <li>• E2 Retail Provision – Lack of facilities</li> <li>• N3 Open space, Sport and Leisure – No open space/leisure</li> <li>• Mayland Neighbourhood Plan – Contrary to Policy MAY G2</li> </ul> <p>c) Development on the edge of the settlement should avoid imposing a hard edge to the countryside, with landscaping introduced as appropriate to the site (Design Code SL</p>	

Name of Parish / Town Council	Comment	Officer Response
	02) d) At the edge of the settlement, an informal arrangement of buildings may be appropriate, adding visual interest (Design Code SL 02) e) Buildings shall reflect the scale, massing and density of adjacent buildings, but avoiding repetitive housing types to support interest and variety in the built form (Design Code SL 02)	

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Arboricultural Officer (Place Services)	<u>16 July 2025</u> <b>No objection</b> , subject to the following condition: <ul style="list-style-type: none"> <li>• Hard and soft landscaping scheme</li> </ul>	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	<u>2 July 2025</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Archaeological investigation in line with a Written Scheme of Investigation</li> <li>• Completion of the WSI</li> <li>• Submission of a report</li> </ul>	Noted and conditions added to Section 8 of this report.
Anglian Water	<u>17 July 2025</u> <b>No objection</b> , subject to informatives.	Noted and informatives added to Section 8 of this report.
Ecology (Place Services)	<u>20 March 2026</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Measures in ecological appraisal secured.</li> <li>• CEMP or biodiversity.</li> <li>• Biodiversity</li> </ul>	Noted and conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Enhancement Strategy.</p> <ul style="list-style-type: none"> <li>Wildlife Sensitive Lighting Design Scheme.</li> <li>Optional condition of a Habitat Management and Monitoring Plan.</li> </ul> <p><u>5 August 2025</u>  <b>Further information required:</b></p> <ul style="list-style-type: none"> <li>Habitats sites</li> <li>UK Protected Species (Reptiles)</li> </ul>	
Education (ECC)	<p><u>06 August 2025</u>  <b>No objection</b>, subject to financial contributions to education services.</p>	Noted and contributions recommended as part of a s106 legal agreement.
Essex Policy – Designing Out Crime	<p><u>19 February 2026</u>  Comments drawing attention to:</p> <ul style="list-style-type: none"> <li></li> </ul>	Noted and contributions recommended as part of a s106 legal agreement.
Highways Authority (ECC)	<p><u>18 July 2025</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>Construction Management Plan</li> <li>Implementation of visibility splays</li> <li>Provision of bellmouth radii on Steeple Road access</li> <li>Widening of pedestrian footway to 2m</li> <li>Bus stop upgrades</li> <li>Provision and implementation of a Residential Travel Information Pack</li> </ul>	Noted and conditions added to Section 8 of this report.
Lead Local Flooding Authority (ECC SUDS)	<p><u>15 September 2025</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>Development in</li> </ul>	Noted and conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>accordance with the approved FRA</p> <ul style="list-style-type: none"> <li>• Details of maintenance arrangements</li> <li>• Annual maintenance logs</li> </ul> <p><u>2 July 2025</u>  <b>Further information required:</b></p> <ul style="list-style-type: none"> <li>• Storage of roof runoff</li> <li>• Clarification of node S1.8a discharge rate</li> <li>• Demonstration of risk associated with pump failure/blockage</li> </ul>	
Natural England	<p><u>25 July 2025</u>  <b>Further information required:</b></p> <ul style="list-style-type: none"> <li>• Provision of a Construction Environmental Management Plan</li> <li>• Amended HRA AA to include detail of mitigation measures and details of Essex Coast RAMS financial contribution.</li> </ul>	Following further comments from ecology, officers have conducted an appropriate assessment and concluded that the development would have an acceptable impact, subject to mitigation. This is assessed within the Ecology and Biodiversity Section and is considered acceptable subject to a RAMS financial contribution.

### 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	<p><u>21 July 2025</u>  <b>No objection</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Land contamination risk assessment and investigation</li> <li>• Land contamination remediation works</li> <li>• Land contamination remediation works verification report</li> <li>• Noise attenuation</li> </ul>	Noted and conditions added to Section 8 of this report.

Name of Internal Consultee	Comment	Officer Response
	measures	
Housing (MDC)	<u>16 February 2026</u> <b>No objection</b>	Noted

#### 7.4 Site Notice / Advertisement

7.4.1 A press notice was published in the Maldon & Burnham Standard on July 10 2025. Site notices were placed near the Site. The public consultation period ended on 31 July 2025.

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

7.5.1 57 public representations were received **objecting** to the application at the time of this committee report being published and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p><u>Principle of development</u></p> <ul style="list-style-type: none"> <li>The development would not be in a sustainable location, outside of the settlement boundary.</li> <li>The development is in an inappropriate rural location and would be contrary to the Mayland Neighbourhood Plan.</li> <li>The development is not located near amenities, healthcare, services or employment opportunities.</li> <li>Residents of affordable housing units will require a car, which they need to be able to afford.</li> <li>This site (formerly a Garden Centre) was originally designated for sheltered accommodation, which the village and surrounding areas are need of.</li> <li>Rightmove show in excess of 50 houses up for sale within a 1-mile radius from Mayland resulting in no need for anymore houses.</li> </ul>	<p>Responses to matters relating to the principle of development are provided within the Principle of Development section.</p> <p>Responses to matters related to sustainability of the Site and the planning balance are assessed within the Planning Balance and Conclusion section.</p> <p>The Site is not designated or allocated for sheltered accommodation. Officers note that an application for that use was previously approved; however, the permission has lapsed.</p> <p>Availability of houses to purchase is not a material consideration in relation to the provision of housing and 5YHLS.</p>
<p><u>Design</u></p> <ul style="list-style-type: none"> <li>The proposal exceeds the number of houses per hectare in the Neighbourhood Plan and is overdevelopment.</li> <li>The development is not in keeping with the local character and would significantly impact on local views and landscape harm.</li> <li>Negative impact on the environment of the village.</li> <li>Lack of high quality external amenity or play space.</li> </ul>	<p>Responses to these matters are provided within the Landscape and Visual Impact, Layout and Design, and Open Space, Landscaping and Children's Play Space sections of this report.</p>

Objection Comment	Officer Response
<p><u>Access, Highways and Parking</u></p> <ul style="list-style-type: none"> <li>• The development does not have public transport options and would result in additional vehicle trips which results in traffic congestion and increased danger to motorists and pedestrians.</li> <li>• Emergency vehicles or refuse collection vehicles will not be able to access the Site.</li> <li>• There are no safe crossing areas to walk to bus stops/shops.</li> <li>• Local roads are poorly maintained and not fit for purpose.</li> <li>• The pavements on the road are not safe or fit for purpose.</li> <li>• The proposed exits onto Mill Road for pedestrians would pose a serious risk to life as the road cannot sustain a pavement.</li> <li>• Concerns of dangerous access due to 40MPH sharp bend by the site</li> <li>• Lack of regular bus services within Mayland.</li> <li>• The Mill Road/Steeple Road junction is too narrow for two way traffic.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Access, Parking and Highway Safety. The matters relating to sustainable travel are considered in the Planning Balance and Conclusion section.</p>
<p><u>Natural environment</u></p> <ul style="list-style-type: none"> <li>• The development would impact bats, hedgehogs, deer, birds, slow-worms and other protected animals on the Site. The submitted ecological surveys are insufficient and not conducted properly.</li> <li>• There would be an unacceptable loss of trees and hedgerow on the site.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.</p>
<p><u>Flood Risk and Drainage</u></p> <ul style="list-style-type: none"> <li>• The site is a flood risk.</li> <li>• There is insufficient foul sewage infrastructure.</li> <li>• The drainage ditch in the north boundary dried up many years ago and is incapable of carrying new water. Run-off into the ditch would cause onsite flooding.</li> <li>• Mill Road floods due to lack of drains, which would be exacerbated.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Flood Risk and Drainage Section.</p> <p>Comments regarding the drainage ditch and Mill Road are noted; however, officers also note the LLFA's support for the proposal subject to conditions which would require further detail on the ditch and also additional information regarding drainage, which would ensure no impact on Mill Road.</p>
<p><u>Heritage Impact</u></p> <ul style="list-style-type: none"> <li>• The development has not appropriately assessed archaeological impact.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Heritage Impact Section.</p>

<b>Objection Comment</b>	<b>Officer Response</b>
<u>Residential Amenity</u> <ul style="list-style-type: none"> <li>The construction period would result in unacceptable noise and air pollution.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Residential Amenity Section.</p>
<u>Infrastructure and Services</u> <ul style="list-style-type: none"> <li>The development would place additional stress on local services, including medical facilities, water facilities and schools.</li> <li>No additional infrastructure is proposed.</li> <li>No local EV charging points; nearest nearly 8 miles away.</li> </ul>	<p>Responses to matters relating to these matters are provided within the relevant sections of this report, considered to be acceptable subject to the various infrastructure contributions which are laid out in the s106 Heads of Terms.</p> <p>EV charging points would be required to be installed onsite as part of Building Regulations Approved Document S.</p>
<u>Energy and Sustainability</u> <ul style="list-style-type: none"> <li>The development does not propose any solar panels.</li> <li>The development does not propose any electric vehicle charging points.</li> </ul>	<p>The development proposes Air Source Heat Pumps and EV charging points would be secured as part of Building Regulations Approved Document S.</p>
<u>Public Health and Crime</u> <ul style="list-style-type: none"> <li>The crime rate in the area will most likely increase.</li> <li>The times for ambulances will be too long.</li> <li>The development would result in increased pollution risk due to close proximity to major roads and construction vehicles, which could have respiratory impacts on existing residents.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Public Safety and Human Health section.</p>
<u>Other Matters</u> <ul style="list-style-type: none"> <li>The developer is re-applying to force their application through.</li> <li>Was the previous demolition on the site legal.</li> <li>There has been a lack of community engagement.</li> </ul>	<p>The applicant is within their right to resubmit and application and officers are satisfied that it is sufficiently different to the previous application in design and material considerations.</p> <p>The previous demolition is not a material consideration as part of this application and likely benefitted from permitted development rights.</p> <p>Public consultation has been undertaken in accordance with statutory requirements.</p>

7.5.2 No letters were received **in support of, or commenting on**, the application.

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

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

- Affordable Housing Scheme, including:
  - Provision of at least 45 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate
  - Provision of at least 75 per cent social rent within the affordable rent portion
- Education contributions including:
  - Early Years Child Care financial contribution of £80,982
  - Primary Education financial contribution of £269,940
  - Libraries financial contribution of £4,279
  - A £700 monitoring fee per obligation (£2,100 total)
- NHS healthcare infrastructure contribution of £38,400
- Essex Coat RAMS contribution of £169.45 per dwelling (£9,319.75 total)

**PROPOSED CONDITIONS**

**1 Time Limited Consent**

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) of The Town & Country Planning Act 1990 (as amended).

**2 Approved Plans**

The development shall be carried out in accordance with the following approved plans:

1859b\_STEEP-SCN-ZZ-04-DR-A-03\_301-A3\_PL04 - Site Layout Plan  
1859b\_STEEP-SCN-ZZ-04-DR-A-03\_311-A3\_PL04 - Housing Tenure Plan  
1859b\_STEEP-SCN-ZZ-04-DR-A-03\_320-A3\_PL03 - BNG plan  
1859b\_STEEP-SCN-ZZ-ZZ-DR-A-20\_340-A3\_PL03 - Illustrative Street Scenes  
1859b\_STEEP-SCN-XX-XX-SH-A-80.251-A2-PL24\_Accommodation Schedule  
1859b\_STEEP-SCN-HTA-ZZ-DR-A-ZZ\_320-A3\_PL02 (House Type A)  
1859b\_STEEP-SCN-HTB-ZZ-DR-A-ZZ\_321-A3\_PL01 (House Type B)  
1859b\_STEEP-SCN-HTC-ZZ-DR-A-ZZ\_322-A3\_PL01 (House Type C)  
1859b\_STEEP-SCN-HTD-ZZ-DR-A-ZZ\_323-A3\_PL01 (House Type D)  
1859b\_STEEP-SCN-HTE-ZZ-DR-A-ZZ\_324-A3\_PL01 (House Type E)  
1859b\_STEEP-SCN-HTF-ZZ-DR-A-ZZ\_325-A3\_PL01 (House Type F)  
1859b\_STEEP-SCN-HTG-ZZ-DR-A-ZZ\_326-A3\_PL01 (House Type G)  
1859b\_STEEP-SCN-HTH-ZZ-DR-A-ZZ\_327-A3\_PL01 (House Type H)  
1859b\_STEEP-SCN-HTI-ZZ-DR-A-ZZ\_328-A3\_PL02 (House Type I)  
1859b\_STEEP-SCN-BTA-ZZ-DR-A-ZZ\_329-A3\_PL01 (Bungalow Type A)  
1859b\_STEEP-SCN-BTB-ZZ-DR-A-ZZ\_330-A3\_PL01 (Bungalow Type B)  
1859b\_STEEP-SCN-BTC-ZZ-DR-A-ZZ\_331-A3\_PL01 (Bungalow Type C)  
1859b\_STEEP-SCN-ZZ-ZZ-DR-A-20\_332-A3\_PL01 (Apartment Block A)  
1859b\_STEEP-SCN-ZZ-ZZ-DR-A-20\_333-A3\_PL01 (Apartment Block B)

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

### **3 Finished Site Levels**

No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON** In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan (2017).

### **4 Construction Environmental Management Plan**

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 Plan shall include (but not be limited to) the following details:

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

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

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

**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, and to protect priority and protected species and nearby designated habitats sites, in the interests of highway safety and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

### **5 External Materials**

No development above ground level shall commence until details or samples of all external finishing materials have been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

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

## **6 Boundary Treatment**

Prior to the first occupation of any dwelling hereby approved, details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

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

## **7 Archaeological WSI**

A. 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 (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

B. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Part A above, and any subsequent mitigation has been agreed.

C. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This 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 protect the site which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

## **8 Land Contamination**

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). and 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 prevent the undue contamination of the site and protect human health, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

## **9 Remediation Works**

Where identified as necessary in accordance with the requirements of Condition 8 of this permission, no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the local planning authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

REASON To prevent the undue contamination of the site and protect human health, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

## **10 Verification Report**

The measures set out in the remediation scheme shall be implemented in full. Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

REASON To prevent the undue contamination of the site and protect human health, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

## **11 Flood Risk Assessment**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 5.3l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

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

REASON To ensure adequate provision is made for surface water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

## **12 Surface Water Drainage Maintenance Scheme**

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

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The development shall be carried out and maintained in accordance with the approved details.

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

## **13 Surface Water Drainage Maintenance Logs**

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

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

## **14 Biodiversity Enhancement Strategy**

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecology Report (Whittingham Ecology, April 2025), shall be submitted to and approved in writing by the local planning authority.

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

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;

- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected, Priority and threatened species in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

## 15 **Wildlife Sensitive Lighting Scheme**

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

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

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

REASON To ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

## 16 **Waste Management Plan**

Prior to the first occupation of any dwelling hereby approved, a Waste Management Plan shall be submitted to and approved writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

## 17 **Cycle Parking**

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

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

**18 Soft and Hard Landscaping Scheme**

Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- c) Details of the aftercare and maintenance programme.

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

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

**19 Tree Protection Methods**

The development hereby approved, including any demolition and construction, shall be undertaken in accordance with the tree retention and protection methodology and mitigation within the submitted 'Arboricultural Report Rev 1', dated 20/12/2024 and 'TREE PROTECTION PLAN Rev 1', dated 20/12/2024.

Any required protective fencing and ground protection shall be implemented prior to works and retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

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

**20 Children's Play Equipment**

Prior to the occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning

Authority. The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development. REASON To provide sufficient local play options for children, in accordance with Policy N3 of the Maldon District Local Development Plan (2017).

**21 Visibility Splays**

Prior to the first occupation of any dwelling within the development hereby approved, the main site access on Steeple Road shall be provided with clear to ground visibility splays as shown in principle on Drawing 2024/8321/001 Rev P4 in the Transport Assessment. The development shall be maintained in accordance with the visibility splays.

REASON To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan (2017).

**22 Access Width**

Prior to the first occupation of any dwelling within the development hereby approved, the main site access on Steeple Road as shown in principle in Drawing 2024/8321/001 Rev P4 in the Transport Assessment shall be implemented in full, with appropriate bellmouth radii to accommodate refuse vehicles and 2 metre pedestrian footways on either side of the access road. The development shall be maintained in accordance with the details thereafter.

REASON To ensure that vehicles and pedestrians can enter and leave the highway in a controlled and safe manner, in the interest of highway safety and in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

**23 Pedestrian Footway Widening**

Prior to the first occupation of any dwelling within the development hereby approved, the pedestrian footway across the entire site frontage on Steeple Road shall be widened to a minimum 2 metres with dropped kerbs and tactile paving provided across the Mill Road junction and the main site access. The footway shall be retained for the duration of the development.

REASON To provide pedestrians and the mobility impaired with safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

**24 Bus Stop Upgrades**

Prior to the first occupation of any dwelling within the development hereby approved, the bus stops on Steeple Road to the west of the site shall be upgraded. The westbound stop shall be provided with raised kerbs and the eastbound stop shall be provided with a new flag, pole, timetable display and raised kerb.

REASON To encourage trips by public transport and in the interest of accessibility, in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

**25 Residential Travel Information Pack**

Prior to the first occupation of any dwelling within the development hereby approved, 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 in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

**26 Noise Attenuation**

Prior to the first occupation of each dwelling hereby approved, that dwelling shall be constructed with any necessary noise attenuation / mitigation measures to ensure that the following noise criteria are met:

- bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Any attenuation / mitigation measures shall be thereafter retained.

**REASON** To avoid, mitigate and minimise adverse impacts on health and quality of life from noise and vibration in accordance with Policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework.

**27 Housing Size Mix**

The dwelling mix for the development hereby approved shall accord with the mix on the hereby approved plan 'STEEP-SCN-ZZ-04-DR-A-03\_301-A3 PL04' and the 'Accommodation Schedule '1859b.351.PL24'.

**REASON** In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H1 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning Policy Framework.

**28 Vehicle Parking and Turning Areas**

No dwellings hereby approved shall be occupied until the car parking spaces and turning areas as shown on hereby approved plan '1859b\_STEEP-SCN-ZZ-04-DR-A-03\_301-A3\_PL04 - Site Layout Plan' have been implemented in accordance with the approved plan and made available for use to the relevant dwelling as shown on the approved plan. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.

**REASON** To ensure appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the adopted Maldon District Vehicle Parking Standards.

**29 Air Source Heat Pumps**

Prior to the occupation of any dwelling hereby approved, or the implementation of an air source heat pump on the site as part of the hereby approved development, whichever is sooner, details of any air source heat pumps shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include:

- a) the siting, design and appearance of the equipment;
- b) the manufacturer's specifications, including noise output levels;

- c) a noise assessment demonstrating compliance with BS 4142:2014 (or any updated equivalent) and confirming that the rating level from the equipment does not exceed background noise levels at the nearest noise sensitive façade;
- d) details of any acoustic enclosures, vibration isolation measures, or other mitigation (if required); and
- e) details of the operation, maintenance and any screening to be provided.

The air source heat pumps shall thereafter be installed prior to the first occupation of the relevant dwelling, and screened and maintained strictly in accordance with the approved details and shall not be operated except in full accordance with the approved specifications for the lifetime of the development.

**REASON** To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure that the equipment is appropriately designed, sited and controlled, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

### **30 Removal of Permitted Development Rights**

Removal of Permitted Development Rights Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

**REASON** In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

### **31 Ecological Appraisal Recommendations**

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Whittingham Ecology, April 2025), Badger report (Whittingham Ecology, February 2025) and Reptile survey (Whittingham Ecology, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

**REASON** To conserve protected and Priority species in accordance with Policy N2 of the Maldon District Local Development Plan (2017) 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).

## **INFORMATIVES**

1. The Highways Authority advises that:
  - i. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways

Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- ii. Car and cycle parking arrangements have not been considered by the Highway Authority as Maldon District Council are the parking authority and retain their own standards.
- iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- iv. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- vi. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

2. The Lead Local Flood Authority advises that:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements.

The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

3. 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:  
Biodiversity Gain Plan has been submitted to the planning authority, and 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.

4. Anglian Water advise that notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2. 2. INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2. 4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water’s requirements.

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