

08 December 2025



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;

**DISTRICT PLANNING COMMITTEE on TUESDAY 16 DECEMBER 2025 at 7.30 pm**  
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

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

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

A copy of the agenda is attached.

Yours faithfully

Chief Executive

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON:	Councillor M E Thompson	
VICE-CHAIRPERSON	Councillor V J Bell	
COUNCILLORS	M G Bassenger	S J N Morgan
	D O Bown	C P Morley
	J R Burrell-Cook	M G Neall
	S J Burwood	R G Pratt
	S Dodsley	R H Siddall
	J Driver	U G C Siddall-Norman
	M F L Durham, CC	N D Spenceley
	A Fittock	P L Spenceley
	A S Fluker	W Stamp, CC
	L J Haywood	E L Stephens
	J C Hughes	J C Stilts
	K Jennings	N J Swindle
	K M H Lagan	S White
	A M Lay	L L Wiffen
	W J Laybourn	

Please note: Electronic copies of this agenda and its related papers are available via the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk).



**AGENDA  
DISTRICT PLANNING COMMITTEE**

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**TUESDAY 16 DECEMBER 2025**

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 District Planning Committee held on 16 October 2025 (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. **25/00578/OUTM - Land West of the Cemetery, London Road, Maldon** (Pages 13 - 106)

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

6. **25/00206/OUTM Land West Of Spratts Farm, Queenborough Road, Southminster, Essex** (Pages 107 - 158)

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

7. **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 Nos. 5 and 6.
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**

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

**Health and Safety**

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

**Closed-Circuit Televisions (CCTV)**

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

**Lift**

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

## DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

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

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

### Statutory Development Plans

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

### Other Material Considerations

#### Legislation

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

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

#### National Planning Policy

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

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

##### *National-scale*

- [National Planning Practice Guidance](#)

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

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

##### *District-scale*

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

### *Local-scale*

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

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

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

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



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
16 OCTOBER 2025**

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**PRESENT**

Chairperson                      Councillor M E Thompson

Vice-Chairperson              Councillor V J Bell

Councillors                      M G Bassenger, D O Bown, J R Burrell-Cook, S J Burwood,  
S Dodsley, J Driver, A Fittock, A S Fluker, A M Lay,  
S J N Morgan, M G Neall, R G Pratt, U G C Siddall-Norman,  
N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens,  
N J Swindle and L L Wiffen

**310.      CHAIRPERSON'S NOTICES**

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

**311.      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M F L Durham CC, L J Haywood, J C Hughes, K Jennings, W J Laybourn, R H Siddall, J C Stilts and S White.

**312.      MINUTES OF THE LAST MEETING**

The Chairperson referred Members to the supplementary pack circulated earlier that day, which included the Minutes of the last meeting.

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 3 September 2025 be approved and confirmed.

**313.      DISCLOSURE OF INTEREST**

There were none.

**314. 22/00314/OUTM - LAND SOUTH OF FAMBRIDGE ROAD, BURNHAM ROAD, AND EAST WEST OF STATION ROAD, ALTHORNE**

<b>Application Number</b>	<b>22/00314/OUTM</b>
<b>Location</b>	Land South of Fambridge Road, Burnham Road, and East West of Station Road, Althorne
<b>Proposal</b>	Outline planning application with all matters reserved except for access, for a phased mixed use development including: Up to 550 dwellings (Class C3) including affordable housing; Up to 1,000sqm commercial space (Use Class E); Early years facility (Use Class E(f)); Education provision (Use Class F1(a)); A 16ha District Park; A 3.3ha Local Park ; Allotments Access enhancements and associated development.
<b>Applicant</b>	Mr Ian Holloway – DMJ Althorne
<b>Agent</b>	Ms Bethan Haynes - Lichfields
<b>Target Decision Date</b>	21.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>Althorne</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development of Strategic Interest Departure from the Local Plan Environmental Impact Assessment

It was noted from the Members' Update that the Habitat Regulations Assessment (HRA) had been undertaken by the Council's Ecology consultant and was summarised in the Update.

Following the Officers' recommendation Mr Singh an objector, Councillor Burgess (speaking on behalf of Althorne Parish Council), and Ms Haynes the Agent addressed the Committee.

Councillor M G Bassenger, a Ward Member, expressed concern regarding the proposed development, commenting on the character of the surrounding area, access to the site, the unsustainability of Althorne village, and the lack of facilities within the small village. He then proposed that the Officers recommendation of refusal be agreed. This was duly seconded.

During the debate that followed, Members discussed the application, with a number of concerns being raised regarding the proposal. In particular the:

- proposed introduction of a large scale residential development outside of the Althorne settlement boundary. It was noted that Althorne was a small village with limited facilities, employment and services.
- location of the site and access to public transport, the site would be reliant on use of cars.
- adjacent highway, including vehicle speeds along the road and related accidents.

In response to questions, including a reason for refusal relating to sustainability, the Development Management Team Manager advised that should Members be mindful to refuse the application an additional reason for refusal could be added relating to the sustainability and scale of the development. She explained that if agreed the Committee would need to nominate a Member to work with officers should the decision be appealed. At this point, Councillor W Stamp nominated Councillors Bassenger A Fittock and herself.



In light of the earlier discussions, the Chairperson proposed that the Committee agree the additional reason for refusal to the Committee. This was duly seconded. The Officer clarified that the reason would be drafted and agreed in consultation with the Chairperson of the Committee and Councillor Stamp.

Following further discussion, the Chairperson moved the Officers' recommendation of refusal with the additional reason for refusal relating to sustainability and the scale of the development. Upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **REFUSED** subject to the following reasons:

1. The proposed development is beyond a settlement boundary where development plan policies seek to protect the intrinsic character and beauty of the countryside. The site comprises a valued landscape with a high sensitivity to change. The resultant effect of the proposed development on the character of the landscape would be substantial and adverse. The adverse impacts of the development in terms of landscape and visual impact would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework taken as a whole. The proposal is therefore contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
2. The Council's strategic policies seek to focus growth in the District's main settlements of Maldon, Heybridge and Burnham on-Crouch as they constitute the most suitable and accessible locations in the District. The proposal would introduce large scale residential development beyond the settlement boundary of Althorne, identified as a 'smaller village' in Policy S8 which provides limited services, facilities and employment opportunities, where the principle of the proposed development is not supported. The site is not well located in terms of access to and provision of public transport, access roads are constrained and narrow, and there is not sufficient infrastructure to support the scale of development proposed. The majority of journeys to and from the site would be reliant on travel by private car. Accordingly, the proposal would result in unsustainable development. The proposal conflicts with the development plan's spatial framework contrary to Policies S1, S2, S8, I1, and T1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
3. The application includes insufficient ecological information to assess the impact of the proposed development on European Protected Species (Great Crested Newt). 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.
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to:
  - include adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing, and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
  - secure the necessary contribution towards healthcare provision, such that the impact of the development cannot be mitigated, contrary to

Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;

- secure the necessary contributions towards education provision, such that the impact of the development cannot be mitigated, contrary to Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
- secure the necessary transport improvements such that the impact of the development cannot be mitigated, such that the impact of the development cannot be mitigated, contrary to Policies T1, T2 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
- secure the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, D1, N1, N2 and I1 of the approved Maldon District Local Development Plan, the Essex Coast Recreational disturbance Avoidance Mitigation Strategy Supplementary Planning Document, and guidance in the National Planning Policy Framework.
- secure the necessary contribution towards green infrastructure and sports provision, such that the impact of the development cannot be mitigated, contrary to Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.

**315. 25/00666/FUL - BLACKWATER LEISURE CENTRE, PARK DRIVE, MALDON, ESSEX CM9 5UR**

<b>Application Number</b>	<b>25/00666/FUL</b>
<b>Location</b>	Blackwater Leisure Centre, Park Drive, Maldon, Essex CM9 5UR
<b>Proposal</b>	Internal alterations and new glazed openings to south elevation serving proposed fitness suite; Installation of photovoltaic panels to southern, eastern and western roof slopes of main building.
<b>Applicant</b>	Mr Martin Anderson - Places For People Leisure Management Ltd
<b>Agent</b>	Mr Edward Rawle - Pozzoni
<b>Target Decision Date</b>	30.09.2025
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>MALDON TOWN</b>
<b>Reason for Referral to the Committee</b>	Referred by the Assistant Director: Planning and Implementation under Part 3, 1d of the District Planning Committee Terms of Reference due to matters of strategic importance and interest to the District. Site is also in Council Ownership and must be determined by a Committee.

Following the Officers' presentation a discussion ensued. Councillor V J Bell commented on the application and proposed that it be approved as per Officers' recommendation. This proposal was duly seconded.

Councillor J Driver declared an interest in this application as he, along with his wife, used the gym at the leisure centre on a regular basis.

A debate ensued. There was some discussion regarding the proposed glazed openings and it was clarified that they would be made from transparent glass to create a view in and out of the gym space. In response to queries regarding whether two-way or alternative glazing could be requested, Members were advised that this could be conditioned if they were mindful. The Head of Development Management and Building Control explained that from a planning perspective the opening was the main matter for consideration, as there was no impact on the community a decision to change any glazing wouldn't be considered material.

The Senior Planning Officer explained that the internal alterations could be carried out without planning permission and had been included for completeness, this also applied to the photovoltaic panels.

In response to reference to the Leisure Contract, the Director of Legal and Governance advised that this was not a planning issue and therefore not relevant or for discussion in relation to this application.

Councillor E L Stephens felt that the glazing should not be two-way glass and proposed an amendment to the proposal that an additional condition regarding the glazing be included. This proposal was duly seconded.

Councillor A S Fluker spoke regarding the glazing and whether Places Leisure should be given opportunity to review this and come back to the Committee. He proposed that the application be deferred to allow Places Leisure to consider the comments regarding the glazing and come back to the Committee. This proposal was duly seconded. The Chairperson put this to the Committee however the deferral was not agreed.

The Chairperson then moved the proposal in the name of Councillor Stephens to include a condition regarding the glazing. Following further debate, a vote was taken and the Chairperson declared that the motion was lost.

The Chairperson then referred to the proposal in the name of Councillor Bell, to accept the Officers' recommendation of approval, and put this to the Committee. Upon a vote being taken this was duly agreed.

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

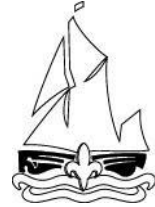
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form / approved plans.

Councillor A S Fluker left the meeting during this item of business and did not return.

There being no other items of business the Chairperson closed the meeting at 9.23 pm.

M E THOMPSON  
CHAIRPERSON

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

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to  
**DISTRICT PLANNING COMMITTEE  
16 DECEMBER 2025**

<b>Application Number</b>	<b>25/00578/OUTM</b>
<b>Location</b>	Land West of the Cemetery, London Road, Maldon
<b>Proposal</b>	Outline application with all matters reserved, except for access, for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery, drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Road and London Road, and associated infrastructure works.
<b>Applicant</b>	LSL Partners and Cirrus Land
<b>Agent</b>	Ms Catherine Bruce – Savills.
<b>Target Decision Date</b>	12.12.2025
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Major Application

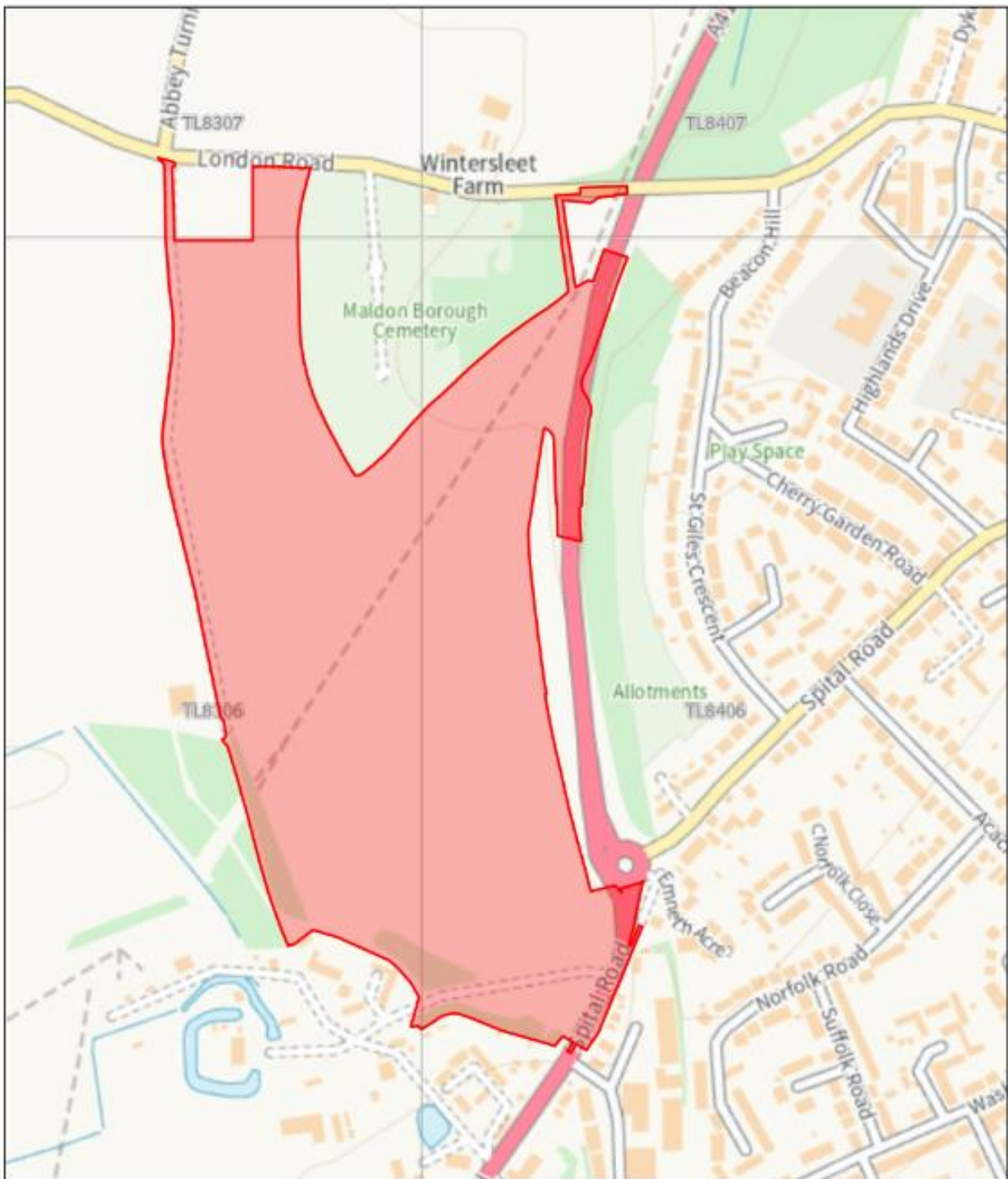
**1. RECOMMENDATION**

**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**

Please see below.

25/00578/OUTM



For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with permission of Ordnance Survey on behalf of His Majesty's Stationary office © at Crown Copyright.

### 3. **SUMMARY**

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

##### Site description

- 3.1.1 The application site lies to the west of Maldon and measures approximately 22 hectares in area. The site is currently used for agriculture and is bordered by a covered agricultural reservoir, Maldon Cemetery and London Road to the north. To the south is Maldon Hall Farm which consists of a number of dwellings set in a farmstead style layout. To the east of the site lies the A414. The west is characterised mainly by open countryside. There is a Public Right of Way (PRoW) (Footpath Number 2) which runs along the southern and western boundaries of the site. The site is relatively flat, although there is a gradual incline towards the north and east, meaning that the northeast corner of the site sits on higher ground than the wider site.

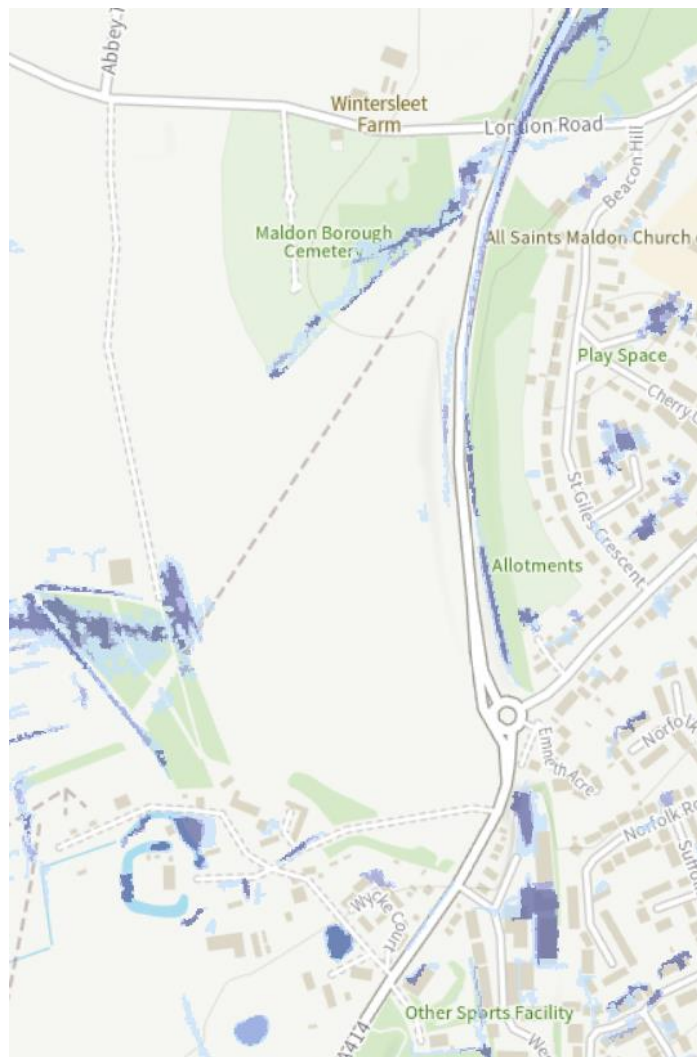
The site is located within Flood Zone 1 and is at low risk of fluvial flooding. However, there are areas within the eastern, western boundaries and the centre of the site that are at low to high risk of surface water flooding. The below figure is an extract from the governments surface water map.

### **Surface water map**

#### **Yearly chance of flooding**

##### **● Extent**

- High chance  
More than 3.3% chance each year
- Medium chance  
Between 1% and 3.3% chance each year
- Low chance  
Between 0.1% and 1% chance each year



- 3.1.2 In terms of designation the site itself is not subject to any designations. Adjacent to the site, on the eastern side of the A414 is the Maldon Cutting Site of Special Scientific Interest (SSSI). It is nationally designated under the Wildlife Countryside Act 1981 for its national geological record and so is not considered within the scope of the Habitats Regulation Assessment considered further below.
- 3.1.3 The site is also located in close proximity to a number of Grade II listed buildings. Headlands Barn, a Grade II listed building immediately to the south of the application site, would be the most impacted by the development. Other Grade II listed buildings to the south include Maldon Hall, Maldon Wycke and the granary to the north of Maldon Wycke. Maldon Cemetery to the northeast corner should be regarded as a non-designated heritage asset and is included in the *Historic Designed Landscapes of Essex Part 4* by Essex Gardens Trust (2010). On the north side of the Cemetery are two locally listed buildings, Cemetery Lodge and Maldon Cemetery Chapel.

### Background

- 3.1.4 On 22 December 2015 an Outline application (14/01106/OUT) for a mixed-use development comprising of up to 340 dwellings, community health facilities, Class A1 retail, community land, public open space, landscaping, highway works, and associated works was refused by the Council for the following reasons:
- 1 *'The site is in a sensitive rural location outside of the defined settlement boundary for Maldon where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. Further, the development would adversely affect the infrastructure capacity necessary to bring forward the proposed locally planned growth in terms of both the necessary highway infrastructure and secondary education capacity to support it. This could potentially inhibit the delivery of a significant proportion of the housing growth and the strategic infrastructure proposed in the submitted Local Development Plan and would not represent sustainable development contrary to the guidance and provisions of the National Planning Policy Framework and in particular paragraphs 7, 14 and 17 as well as being contrary to policies S2, H1, BE1, T1 and PU1 of the Adopted Maldon District Replacement Local Plan and policies S1, S2, S8, I1, T1 and D1 of the Maldon District Submitted Local Plan.*
  - 2 *The site is in a sensitive rural location outside of a settlement boundary. The proposed development as a result of its unsympathetic scale and form would not protect or enhance the natural, built or historic environment but be at odds with its function as part of the wider rural context of this site and its surroundings. It would have an unacceptably intrusive urbanising effect upon the site and on the setting and wider character adversely affecting the intrinsic character and beauty of the countryside which is noted for its distinctive tranquility and remoteness as well as the setting of the adjacent designated and non-designated heritage assets. On this basis, the proposal is not considered to represent sustainable and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to the guidance and provisions of the National Planning Policy Framework in particular Paragraphs 7, 14, 109, 113, 131, 132, 134, 135 and 216 as well as policies S2, H1, CC6, CC7, BE1 and BE16 of the Adopted*



*Maldon District Replacement Local Plan, and policies S1, S8, D1, D3 and N2 of the Maldon District Submitted Local Development Plan.*

- 3 *The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2, H1 and PU1 of the Adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.*
  - 4 *The proposal would create a new access on a Main Distributor in the Essex County Council Development Management Route Hierarchy where the main function is that of carrying traffic safely and efficiently between major centres in the County. The existence of a roundabout junction at this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to deterioration in the efficiency of the through road as a traffic carrier. Further, the proposal would take capacity out of the local highway network and would provide a junction arrangement that would, when taking account of locally planned growth, would reach capacity and lead to delay and congestion on the network and the inability of the Main Distributor road to fulfil its function of carrying traffic safely and efficiently between settlements. This would be contrary to policies T1 and T2 of the Adopted Maldon District Replacement Local Plan, policies T1 and T2 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular paragraphs 29-32.*
  - 5 *The Council's evidence base has demonstrated that there is limited capacity for convenience retail floor space and no residual capacity for comparison retail floor space. The scale of proposed retail development proposed could therefore prejudice the vitality and viability of the Maldon and Heybridge town centres and other committed retail development in the district contrary to Adopted Maldon District Replacement Local Plan policy SH2 and Maldon District Submitted Local Development Plan policy E2. The proposed development is in an out of town location and is not compliant with the guidance and provisions of the National Planning Policy Framework and in particular the sequential test set out in paragraph 24.'*
- 3.1.5 The relevance of the above planning history will be discussed where necessary within the main body of the report.
- 3.1.6 The application site has also been subject to Environmental Impact Assessment (EIA) Screening Opinions in the past. Whilst the Screening Opinion undertaken in 2014 (14/00236/SCR) found that a mixed-use development on the site would require an Environmental Statement (ES), a Screening Opinion undertaken in 2023 (23/00180/SCR) deemed that a development more akin to the size and scope of this application would not be subject to an ES. A full Screening Opinion has been undertaken in respect of this application (25/00595/SCR) and found that the proposal would not be EIA development. Therefore, on that basis no ES has been submitted as part of this application.

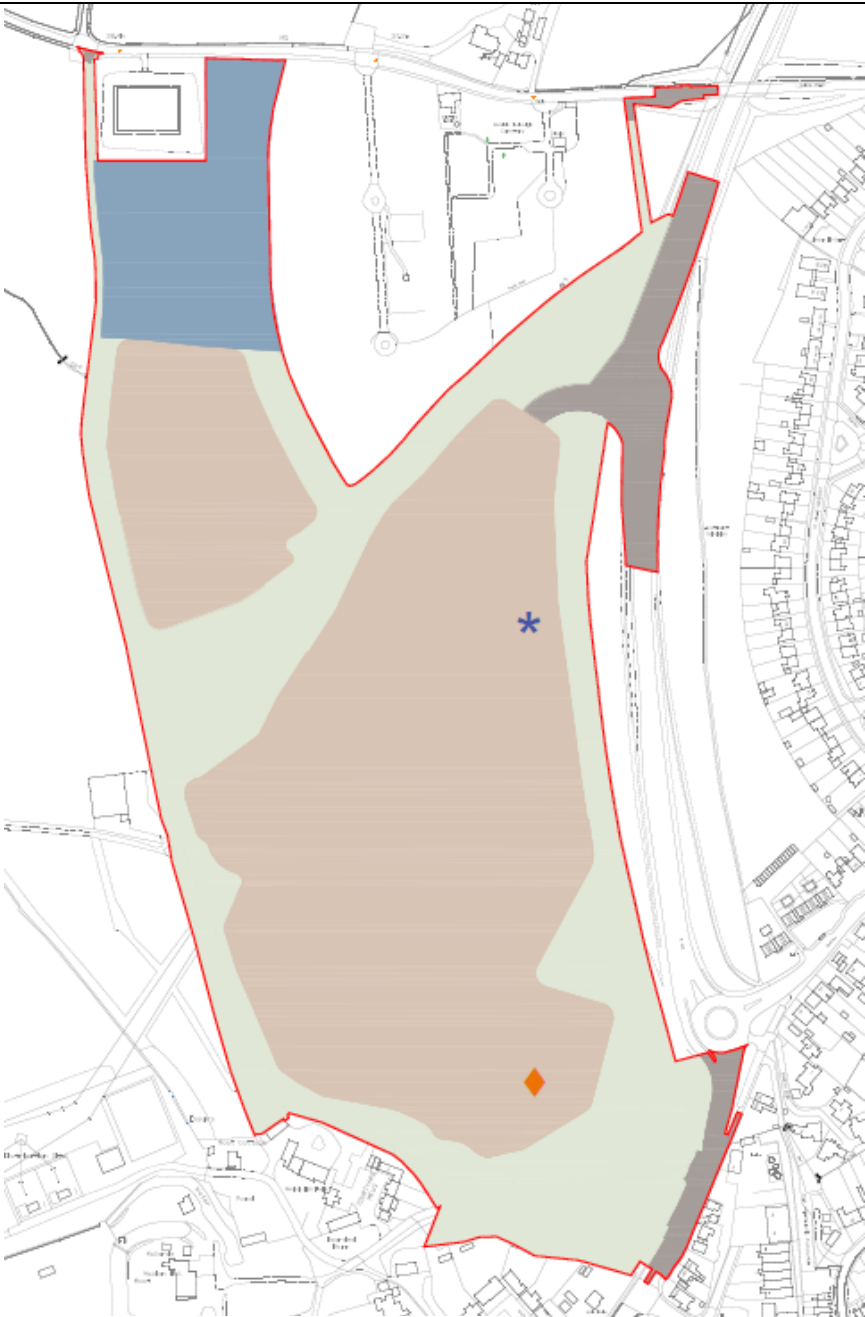
- 3.1.7 In October 2025 a revised red line plan was submitted (Drawing 8790\_200\_B). The amendment was a result of the need to move the crossing at the north of the site on London Road slightly west following discussions with Essex County Council (ECC) Highways. Based on the extent of the changes it would not have been reasonable to require a new application. However, to ensure fairness to the public a full re-consultation on the changes was undertaken.

#### The Proposal

- 3.1.8 The application has been submitted in Outline form with the matter of access for consideration. All other matters (appearance, scale, layout and landscaping) are reserved for future consideration.
- 3.1.9 The development seeks permission for a development for up to 275 dwellings, 1.8 hectares (ha) of land for an expansion to Maldon Cemetery and a 0.13ha parcel of land for a 56 place children's nursery. The development will also include access arrangements, including vehicular access on to the A414 and pedestrian/cycle access on to Spital Road and London Road.
- 3.1.10 Drawing 8790\_301\_D sets out the proposed land uses, drawing 8790\_304\_E shows the proposed building densities across the site and Drawing 8790\_305\_D sets out the proposed building heights. A Green Infrastructure Plan (Drawing 8790\_306\_E) has also been submitted. These drawings show that lower density development (up to 25 dwellings per hectare) is proposed along the western and southern edges of the site, with medium and higher density towards the central parcels. The average net density across the residential parcels of the site is 24 dwellings per hectare (dph), with the residential development parcels equating to 11.45ha and a total of 275 dwellings. Building heights would follow a similar pattern with the majority of the site accommodating two storey properties, with some 2.5 storey properties and three storey elements within the central parcel. Single storey dwellings have been proposed along the southern boundary adjacent to the Grade II listed Headlands Barn.
- 3.1.11 The land proposed for the Cemetery expansion would be directly to the west of the existing cemetery.
- 3.1.12 An indicative location for on-site battery storage is shown on the eastern part of the site. This relates to a communal energy strategy proposed as part of the development, that adopts a Smart Grid allowing for all-electric homes to share locally generated solar electricity and battery storage. Photovoltaics are proposed to be located on approximately 25% of the roofs, with associated battery storage providing approximately 50% of the sites electricity needs.
- 3.1.13 The existing electricity pylons crossing the site are to be rerouted underground.
- 3.1.14 The indicative location of the proposed nursery land is shown within the southeast corner of the site. The facility would fall within Use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
- 3.1.15 The Green Infrastructure Parameter Plan (Drawing 8790\_306\_E) sets out indicative locations for a Locally Equipped Area for Play (LEAP) towards the western side of the site in the centre of a green corridor that would run east to west, a Local Area of Play (LAP) within the south east of the site, a community garden/vineyard within the south eastern corner, four attenuation basins running east to west and 3m tall acoustic fence along the eastern boundary the borders the A414. It is proposed that approximately 7.25ha of Green Infrastructure will be provided.

- 3.1.16 The Green Infrastructure Plan also denotes access routes through the site. The application has also been supported by an Indicative Masterplan (Drawing 8790\_300\_A), which shows this in greater detail. A Spine Road is served by a new roundabout proposed on the A414, running from east to west across the site, splitting at two points towards the centre, directed in a southerly direction. These two roads then split into more minor estate roads. The proposed access would require the removal of a section of tree belt along the boundary shared with the A414, which is proposed to be replaced across the site. New cycle and pedestrian accesses and connections to the north onto London Road and to the southeast onto Spital Road are also proposed.
- 3.1.17 In terms of the access, it should be noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access in relation to reserved matters as being:
- ‘the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made’*
- 3.1.18 Notwithstanding the above, given that the submitted Masterplan is illustrative and that there are no detailed access drawings provided, or access arrangements set out in the parameter plans relating to the internal access arrangements, the internal access routes have not formed a consideration for this application. If the application were to be approved this detail would need to come forward at the Reserved Matters stage.
- 3.1.19 For ease of reference a summary of the proposal has been set out in the table below:

<b>Site Area (Gross)</b>	21.87 ha
<b>Height</b>	Up to 3 storeys (12.6m) for the flats, 1 (6m), 2 (9m) and 2.5 (11.5m) storey for the dwellings
<b>Units (All)</b>	165 Market Units and 77 Affordable Homes.  The affordable properties would be split into 75% affordable rent and 25% Intermediate properties.

<p><b>Layout</b></p>	 <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Application boundary (21.87 ha)</li> <li><span style="background-color: #a68966; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Use Class C3 residential development</li> <li><span style="background-color: #ffcc00; border: 1px solid black; display: inline-block; width: 10px; height: 10px; margin-right: 5px;"></span> Indicative location of proposed children's nursery</li> <li><span style="background-color: #c6e0b4; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Green Infrastructure - includes SuDS, play area, new and existing trees and hedgerows</li> <li><span style="background-color: #4f81bd; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Land safeguarded for cemetery extension (1.8ha)</li> <li><span style="background-color: #808080; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Access infrastructure</li> <li><span style="color: blue; font-size: 1.2em; margin-right: 5px;">*</span> Indicative location for battery storage</li> </ul>
<p><b>Density</b></p>	<p>24 dwellings per hectare for the overall site (net).</p>

### Application documents

3.1.20 The application was supported by a Planning and Affordable Housing Statement, including Draft Heads of Terms, prepared by Savills and dated June 2025. Various parts of the application have been amended and further information provided, therefore the Planning Statement should be read in conjunction with the following:

- Affordable Housing Statement (Ref: 0703-01.RPT.M23 July 2025)
- Note providing information following consultation response received from place services acting as retained ecological consultant to Maldon District Council (MDC) – BSG Ecology
- Collision Risk Assessment (Ref: SG/2309-01 CRA v1.0, September 2025)
- Stage 1 Road Safety Audit (Ref: SG/WP/2309-01 RSA1 v1.1, September 2025).
- Transport Assessment Addendum (Ref: 227074, September 2025).
- Email dated 06 August 2025 (Subject: RE: 25/00578/OUTM – Maldon) – formal response to Sustainable Drainage Systems (SuDS) comments.

3.1.21 The application is made in outline with the following plans to be considered as part of the application:

- Drawing 8790\_306\_E Green Infrastructure Parameter Plan
- Drawing 8790\_305\_D Building Heights Parameter Plan
- Drawing 8790\_304\_E Density Parameter Plan
- Drawing 8790\_301\_D Land Use Parameter Plan
- Drawing 8790\_200\_B Site Location Plan
- Drawing 001 Topographical Survey
- Drawing 006-002-Maldon\_TS01\_S1 Topographical Survey Sheet 1 of 6
- Drawing 006-002-Maldon TS01\_S4 Topographical Survey Sheet 4 of 6
- Drawing 227074/PD15 C Proposed Shared Use Route
- Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement
- Drawing 227074/PD02.2 Rev C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment
- Drawing 227074/PD02.3 A London Road Proposed Toucan Crossing
- Drawing 227074/PD15.2 A A414 Shared Use Route
- Drawing 227074/PD15.1 B Spital Road Shared Use Route.
- Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02 Site Overview Plan

3.1.22 The following plans have been submitted and are intended for illustrative purposes:

- Drawing 8790\_300\_A Illustrative Masterplan.

3.1.23 In addition to the Planning Statement and documents listed at paragraph 3.1.16, the application is also supported by the following documents:

- Agricultural Land Classification Report
- Arboricultural Report and Tree Survey
- Biodiversity Gain Statement
- Biodiversity Checklist
- BNG Metric
- Ecological Impact Assessment

- Flood Risk Assessment
- Ground Investigation Preliminary Risk Assessment
- Heritage Impact Assessment
- Landscape Strategy
- Health Impact Assessment
- Outline Energy and Sustainability Statement
- Shadow Habitats Regulation Assessment
- Statement of Community Involvement
- Transport Assessment
- Utilities Statement
- Landscape Visual Impact Assessment
- Design and Access Statement
- Ground Investigation Ground Engineering Assessment
- SuDS Checklist
- Archaeological Assessment
- Air Quality Assessment
- Noise Assessment

### 3.2 **Conclusion**

- 3.2.1 The application site is located outside of a defined settlement boundary. However, policies in relation to housing and spatial development are no longer applicable due to the Council's Five-Year Housing Land Position (5YHLS) being 2.7 years. The lack of a 5YHLS means that, as per paragraph 11d of the National Planning Policy Framework (NPPF), the 'tilted balance' is engaged and the benefits and harms must be weighted in the planning balance.
- 3.2.2 Taking into account the accessibility to Maldon Town, together with access to public transport, the site is in a sustainable location and the site itself can be made accessible to the main town.
- 3.2.3 The development would result in economic benefits associated with temporary jobs during the construction of the development and through occupants using the existing services and facilities. During the operational phase of the development there will be some economic benefits in terms of the delivery of the privately run nursery provision.
- 3.2.4 There are social benefits as a result of the proposed development. The proposal would provide 275 new homes of which 40% would be affordable, thus it would make a significant contribution to the 5YHLS and help to address the shortfall in affordable housing.
- 3.2.5 The proposal, through the transport improvements, specifically the improvements to bus services and active travel connections assist in improving the accessibility of the site.
- 3.2.6 There would be less than substantial harm to Headlands Barn a Grade II listed building, and limited harm to Maldon Cemetery, a locally listed heritage asset, which would be outweighed by the public benefits of the scheme. Therefore. Paragraph 11d) is triggered. The development would result in harm to the landscape character of the area, but the harm would be fairly localised to the west of the site.

Furthermore, However, in accordance with paragraph 11(d) ii. the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

- 3.2.7 Any other remaining planning matters can be addressed via conditions or through a Section 106 agreement. For the reasons set out in this report, the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.

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

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

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

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

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

- I1 Infrastructure and Services
- I2 Health and Wellbeing

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

- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2025)
- Green Infrastructure Strategy SPD
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

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

- 4.4.1 The application has been accompanied by a draft Heads of Terms for a Section 106 Agreement which has been negotiated during the application is now proposed as follows.

##### Highways

- 4.4.2 £850,000 is sought to improve public transport links between the site and key attractors in and around Maldon, Heybridge and the local area.
- 4.4.3 Highways works (to be undertaken via s278 Agreement) to include new roundabout on A414, pedestrian and cycle upgrades on London Road and Spital Road.

##### Residential Travel Plan

- 4.4.4 A Traffic Regulation Order to extend 40mph speed limit north of site access

##### Healthcare

- 4.4.5 The development would have an impact on healthcare provision in the area where there is already experiencing constrained services. The sum of £192,600 is requested to be secured through a planning obligation in the form of a Section 106 (S106) agreement linked to any grant of planning permission. This is necessary to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

##### Education

- 4.4.6 Early Years and Childcare – The demand generated by this development would require a contribution towards the creation of 24.7 additional places. A developer contribution of £506,138 index linked to Q1 2025, is sought to mitigate its impact on local Early Years and childcare provision. This equates to £20,450 per place.
- 4.4.7 Provision of up to 0.13ha of land to be secured and provided as a privately run nursery facility. This is not to be secured through the S106 but as a planning condition.



- 4.4.8 Primary Education - The demand generated by this development would require a contribution towards the creation of 82.5 additional places. A developer contribution of £1,687,125 index linked to Q1 2025, is sought to mitigate its impact on local Primary School provision. This equates to £20,450 per place.
- 4.4.9 Secondary Education - The demand generated by this development would require a contribution towards the creation of 55 additional places. A developer contribution of £1,546,985 index linked to Quarter One (Q1) 2025, is sought to mitigate its impact on local Secondary School provision. This equates to £28,127 per place.
- 4.4.10 Post 16 Education – A contribution toward Post16 education is not required.
- 4.4.11 School Transport – No requirement for school transport.
- 4.4.12 Libraries - The suggested population increase brought about by the proposed development is expected to create additional usage of a local Library. A developer contribution of £21,395 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020
- 4.4.13 The Monitoring Fee will be charged at a rate of £700 per obligation (financial and otherwise).
- 4.4.14 Whilst ECC have requested this figure, officers are aware that as the exact housing mix has not yet been secured. Therefore, the exact contribution cannot be confirmed until the Reserved Matter stage which will secure the specific unit mix. Therefore, the S016 will be expected to secure the contribution in line with the 'Essex County Council's Developers Guide to Infrastructure Contributions' in terms of the amount per place and the child yield calculator, for early years, primary and secondary education contributions.

#### Affordable housing

- 4.4.15 In accordance with planning policy, 40% of all homes to be delivered either on site or via a commuted sum. This equates to up to 110 affordable homes.
- 4.4.16 A tenure mix of 75% for affordable rent and 25% for intermediate housing has been agreed.

#### RAMS

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

#### Public Open Space

- 4.4.18 Creation and implementation of management company to manage landscape and public open spaces.
- 4.4.19 The provision of the Cemetery land is to be delivered via a condition and not through a S106 agreement.

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

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

#### Residential Element

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, MDC prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 year supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council

cannot demonstrate an up-to-date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.

- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

#### Early Years Facility

- 5.1.9 The proposal includes a serviced parcel of land measuring 0.13ha, reserved for an Early Years Facility (Use Class E(f)) (EYFS). This facility would provide up to 56 places and is located within the southwest corner of the site, as confirmed on the Land Use Parameter Plan.
- 5.1.10 Policy S8, at criterion (c), requires development to provide community services and facilities to meet local need, in accordance with Policy E3. Policy E3 states that proposals should "contribute towards the provision of community facilities where an increased need will arise in the local area as a result of the development...". In this case, the Education Authority has confirmed that the development will generate a need for early years, primary, and secondary school provision, specifically creating a requirement for 24.7 early years places.
- 5.1.11 ECC's latest childcare sufficiency data identifies five early years providers in the area, with only nine unfilled places recorded. While some capacity exists, this is insufficient to meet the projected demand. To address this shortfall, ECC has requested a financial contribution of £506,138 (index linked to Q1 2025), equating to £20,450 per place.
- 5.1.12 During informal discussions, ECC advised that there is no current need for a 56-place EYFS setting and that the development alone would not generate sufficient demand to justify a new facility, particularly given planned expansions and new provision in the area. On this basis, securing the nursery land via a Section 106 obligation may not be Community Infrastructure Levy (CIL) compliant, especially as ECC also seeks a financial contribution.
- 5.1.13 In response, the developer proposes that the nursery be delivered as a privately operated facility as part of the planning application. The land parcel would be secured through this Outline Planning Application, with detailed building design to be agreed at Reserved Matters stage. In addition, the developer will pay the financial contribution to ECC for the 24.7 early years places generated by the development.
- 5.1.14 Although ECC has expressed concern that an EYFS setting on this site could detract from existing operators, Policy E3 encourages development that improves the provision of community services and facilities. Furthermore, national policy supports widening educational choice.

5.1.15 Paragraph 100 of the NPPF states:

“It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- (b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

5.1.16 A private nursery facility in this location would offer diversity of choice, including provision for 0–2-year-olds and childcare outside term time. Following the Government’s extension of funded hours to children from nine months old, demand for baby places is increasing. While the need arising from the development will not relate solely to this age group, the ability to provide this additional choice is a positive aspect.

5.1.17 It is acknowledged that the nursery may not attract interest when marketed for sale. However, as the land will be secured for nursery use through planning conditions, any alternative use would require a separate planning application. Furthermore, as the parcel is designated for community use, any future change of use would need to demonstrate that no viable and appropriate community-based use exists, in accordance with Policy E3. This offers the LPA assurance that the land will remain available for community purposes unless no viable option exists.

5.1.18 Having regard to Policy E3 and paragraph 100 of the NPPF, the proposed nursery land would contribute to increased provision, improve accessibility for future residents, and enhance choice within the area. On this basis, and in accordance with national policy, the principle of nursery provision is acceptable and should be afforded great weight in the planning balance.

5.1.19 Notwithstanding the above, ECC has been offered the opportunity to secure the land themselves, with an appropriate draw-down period and no financial contribution, through a Section 106 agreement, provided it can be demonstrated that this would be CIL compliant. Despite a request for updated comments, nothing has been received prior to the finalisation of this report. Any further correspondence will be updated by way of a Members’ Update.

5.1.20 In summary, the proposed approach strikes an appropriate balance between meeting the development generated need for early years provision and complying with local and national policy objectives. By securing land for an EYFS facility, enabling private delivery, and providing a financial contribution to ECC for the identified shortfall, the proposal ensures that community infrastructure requirements are addressed. This solution aligns with Policy E3 of the LDP and paragraph 100 of the NPPF, offering flexibility, improving choice, and safeguarding the land for future community use. Accordingly, the principle of nursery provision should be afforded significant weight in the overall planning balance.

Cemetery Provision

5.1.21 The application includes the provision of 1.8ha of land to expand the existing cemetery.

5.1.22 As stated above, the site lies outside of the settlement boundary. However, Policy S8 does allow for some exceptions for development outside of the settlement boundaries where *'the intrinsic character and beauty of the countryside is not adversely impacted upon'* and provided it is for a number of certain exceptions, one of which states:

*'Community services and facilities to meet local need (in accordance with Policy E3).'*

5.1.23 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. It also states, 'Development proposals and other measures which will help to improve accessibility to community services and facilities in a local area will be encouraged, including the expansion of existing services.'

5.1.24 MDC has three cemeteries located across the district in Maldon, Heybridge and Burnham-on-Crouch. There is no statutory duty for a Council to provide a cemetery, but the council has provided one in excess of 150 years. The cemeteries across the district are an important place for the community, therefore, meeting the criteria of being essential to the community as set out in Policy E3.

5.1.25 The Council is aware that the existing cemeteries are nearing capacity, with Maldon cemetery expected to be the first to reach capacity in the not-too-distant future. That being said the proposed land for a cemetery extension would meet the requirements of Policy E3, delivering and expanded on an important community facility and would therefore, represent a benefit of the scheme.

5.1.26 The land for cemetery provision can be secured by way of a condition that ensures the development is delivered in accordance with the land use parameter plan.

#### Best and Most Versatile Agricultural Land

5.1.27 The application has been supported by an Agricultural Land Classification Report by Askew Land and Soil Limited dated June 2025 (Ref: C987). The report specifies that the site consist of 91.1% Grade 3a, 3% Grade 3b and Non-agricultural makes up 5.9% of the site. Therefore, the site does not contain the best and most versatile agricultural land and as such no objection is raised.

#### Sustainable Development

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

5.1.29 Since the application site lies outside of the defined settlement boundary for Maldon and is not allocated for development, the proposal for 275 new dwellings would clearly exceed the amount of development planned for on sites allocated for strategic housing growth in the Maldon LDP under policy S2 of the LDP. However, Maldon as a main settlement is an area that is identified for strategic growth within the LDP and therefore, the site lies in one of the most sustainable areas of the District.

Furthermore, Policy S2 also states that *‘the majority of growth will be delivered through sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch in the form of Garden Suburbs and Strategic Allocations’*, albeit the site is not a Strategic Allocation, but it has been deemed as suitable for growth as part of the Call for Sites exercise which can be given limited weight. Further to this, the Council has approved two growth options for testing as part of the LDP Review. This includes focusing growth within the Main Settlements or the creation of a new satellite settlement or large urban extension bolted onto one of the towns, larger villages and/or settlement adjacent to the District boundary. Whilst the LDP review is still in its early stages, this further highlights the sustainability credentials of Maldon

5.1.30 Notwithstanding the above, Policy S2 also acknowledges that *‘Significant infrastructure constraints exist which will strictly limit the capacity for growth in Maldon, Heybridge and Burnham-on-Crouch in excess of that set out in Policy S2. Any proposal for development in excess of the allocations set out in Policy S2 will need to demonstrate to the Council’s satisfaction that:*

- *It will not prejudice or delay the delivery of the Garden Suburbs, Strategic Allocations, or planned infrastructure improvements; and*
- *There will be sufficient infrastructure capacity to support the development.’*

5.1.31 The proposal would not prejudice or delay the delivery of the Garden Suburbs or Strategic Allocations as they are now at an advanced stage. Furthermore, the proposal would not impact on planned infrastructure improvements because the necessary mitigation would be secured through conditions and/or a S106 agreement.

5.1.32 In terms of infrastructure capacity, the Local Highway Authority have raised no objection in terms of highway capacity and any educational or health requirements can be met through financial contributions.

5.1.33 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan. An assessment of the planning balance is provided later in this report.

#### *Environmental Dimension*

5.1.34 In this case, the application site is located adjacent to the settlement boundary of Maldon. However, the A414 does provide a barrier to the existing town from within the site. Nevertheless, as set out above, the application has been supported by a draft Heads of Terms which sets out a number of contributions towards infrastructure improvements and provision of services and facilities to serve Maldon and the surrounding area.

5.1.35 Chapter 9 of the NPPF relates to sustainable transport. In terms of environmental sustainability this is particularly relevant at para. 110 which states: “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- 5.1.36 In addition, para. 115 of the NPPF states that in considering applications for development it should be ensured that “sustainable transport modes are prioritised taking into account the vision for the site, the type of development and its location”. This represents a shift in emphasis compared with the previous version of the NPPF, which stated that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up...”.
- 5.1.37 The application site lies adjacent the existing settlement boundary of Maldon but as stated, is notably separated from the town by the A414/Spital Road, defined as a main distributor road. There are bus stops located on Spital Road adjacent to the south eastern corner of the site that provide regular services to Chelmsford, Southminster and Burnham-on-Crouch.
- 5.1.38 A key to a location’s accessibility, is access to day-to-day services and facilities. The proposal includes provision for a day nursery and would provide enhancements to the existing transport network. In terms of Active Travel routes the proposal includes the provision of a 3.5m wide footway/cycleway to be provided to link the site to London Road to the north, providing a pedestrianised link into Maldon Town Centre. The new link shall include a new signalised crossing of London Road. Two further signalised crossings shall be located on the A414, one immediately east of the A414/Spital Road roundabout and the other approximately 30m south of the A414 access to Maldon Hall Farm. A 3m wide footway/cycleway is also proposed linking the new A414 crossing to the A414/B1010 Limebrook Way roundabout to the south. Therefore, the highways upgrades would improve links from the site into Maldon Town.
- 5.1.39 The proposal also includes the provision of a bus stop on the northbound carriageway of the A4141 south of the proposed signalised crossing, with the existing southbound stop being upgraded. These works are in addition to a financial contribution of £850,000 financial contribution to improving public transport links within the local area, offering improved alternatives to the use of the private car.
- 5.1.40 Given consideration to the above, although the application site is somewhat detached from the town centre, the measures proposed within the application both through on site provision and as planning obligations, would reduce the need for future (and existing) occupants to travel by car to meet their day to day needs. On this basis, the development can be made sustainable through improvements to Active travel connections and upgrades to the existing bus network.
- 5.1.41 The positioning of the proposed nursery land within the southeast corner of the site, would require future residents within the north westerly parcel of the proposed development in particular to walk a fair distance to the nursery location. Furthermore, its siting within the southerly portion of the site does not integrate it well into the future community. Notwithstanding, the most northerly dwelling would still be with 800m (as the crow flies) of the proposed nursery provision, meaning it would likely be in walkable distance. Furthermore, its positioning also means it would be able to serve a wider reaching area, including the existing community of Maldon. Notwithstanding this, until further detail is provided in respect of the layout at the Reserved Matters stage, any conditions relating to the Land Use Parameter Plan should be specific that this does not secure the siting of the nursery land and that this should be included as part of any forthcoming Reserved Matters application.
- 5.1.42 The proposal also includes the installation of a SmartGrid community energy network with photovoltaics being provided on approximately 25% of the roofs and with the proposed battery storage providing approximately 50% of the sites electricity needs, resulting in an approximate 60% reduction in CO<sub>2</sub> emissions. Subject to this being

secured by way of a condition, details of which should be brought forward at the same time as the Reserved Matters, this represents a benefit to the scheme that should be weighed in the planning balance.

#### *Economic Dimension*

- 5.1.43 The proposal would result in economic benefits through the construction phase of development, through the creation of jobs which would be fairly significant due to the scale of the proposed development. Following occupation, due to the increased number of residents, the vitality of existing facilities and services would be enhanced through increased usage and an uplift in spend. However, given the existing population size of Maldon (15,551.48 2021 Census) the provision of 275 will not create a significant uplift.
- 5.1.44 The proposal would also provide new employment opportunities associated with the nursery and proposed cemetery expansion. The number of jobs provided are likely to be limited but this represents a benefit to the scheme.
- 5.1.45 In addition, the proposed SmartGrid is expected to create a 15% reduction in electricity bills for the future residents.
- 5.1.46 This will be discussed further in the planning balance section below.

#### *Social Dimension*

- 5.1.47 The proposal would provide a significant number of homes in the District where there is currently a shortfall in the 5YHLS. The proposal comprises 40% affordable housing provision, which is policy compliant, and would greatly assist meeting the need for affordable housing in the District. The proposals would help the vitality of the town by accommodating new residents in the settlement, creating new community facilities, including a Nursery and cemetery expansion and green infrastructure all of which, combined with public open space provision, contribute to the general health and well-being of residents.

#### *Summary of principle of development*

- 5.1.48 The site is within the countryside and is currently considered to be an unsustainable location due to a lack of connections to the Main Settlement of Maldon. However, through the enhancements to public transport and the provision of education facilities and commercial facilities, officers are satisfied that the site can be made sustainable in accordance with para. 110 of the NPPF and that the principle of development can be supported.

#### Conclusion of principle of development

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



## **5.2 Cumulative Impacts**

- 5.2.1 The proposed development forms part of a wider pattern of growth in the Maldon area, with several significant residential schemes recently completed or under construction. Unlike the strategic allocations identified within the adopted Maldon District LDP, this site lies outside the defined settlement boundary and is not allocated for development in the Local Plan.
- 5.2.2 As a result, planning for this site is not taking place in accordance with the spatial strategy or allocations set out in the LDP. The cumulative effect of approving development on non-allocated sites risks undermining the plan-led approach, potentially leading to uncoordinated expansion, increased pressure on local infrastructure, and challenges in delivering necessary services such as education, healthcare, highways, and green infrastructure.
- 5.2.3 While technical assessments for this application have considered the immediate impacts and proposed mitigation measures, it is important to recognise that the cumulative impact of multiple developments outside the Local Plan framework may exacerbate existing issues relating to congestion, service capacity, and landscape character. The absence of a comprehensive, strategic approach to growth in this location should be given weight in the planning balance. However, it should also be noted that the growth options considered as part of the Issues and Options mean there is a strong likelihood that Maldon will receive some strategic growth as part of the Local Plan Review.
- 5.2.4 It should also be noted that, in accordance with national planning guidance, refusal of planning permission on grounds of prematurity cannot be justified in this instance. The emerging Local Plan is at an early stage and does not carry sufficient weight to warrant refusal on the basis of prejudicing its preparation. Therefore, while cumulative impacts are a material consideration, prematurity is not a defensible reason for refusal at this time.
- 5.2.5 Furthermore, the national housing growth agenda of the government, together with the December 2024 changes to the NPPF and in particular the changes to the method for calculating housing delivery has resulted in Maldon now underdelivering in housing provision in the district. This is a material consideration in all housing development proposals. While this does not give carte blanche approval of any housing development, a balanced approach, withing up the harms against the benefits is central to the consideration of such applications. This point is considered in subsequent sections.

## **5.3 Housing Need**

- 5.3.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.3.2 The current version of the Local Housing Needs Assessment (LHNA) was produced in September 2025. The 2025 LHNA provides the most up-to-date evidence concerning housing mix for the District and is a material consideration in planning decision making.
- 5.3.3 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and PPG, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of

housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

- 5.3.4 The LHNA (2025) considers the appropriate mix of housing across Maldon District as a whole, with a particular focus on the sizes of homes required in different tenure groups. Chapter 9 of the LHNA considers the appropriate mix of housing across the District as a whole, with a particular focus on the sizes of homes required in different tenure groups. These are set out in the table below:

	<b>Market</b>	<b>Affordable Owned</b>	<b>Affordable Rent</b>
<b>1 bed</b>	5% - 10%	15% - 20%	25% - 30%
<b>2 bed</b>	30% - 35%	40% - 45%	30% - 35%
<b>3 bed</b>	35% - 40%	30% - 35%	25% - 30%
<b>4 bed</b>	20% - 25%	5% - 10%	10% - 15%

- 5.3.5 The LHNA acknowledges that housing mix recommendations should be adapted to the context and size of a given scheme. Whilst district wide delivery should match the above figures, it is recognised that individual schemes may differ. However, larger schemes and strategic sites should match the recommended mix set out above more closely as they are likely to make up a significant contribution to Maldon's overall housing delivery, as set out in paragraphs 9.60 and 9.61 of the LHNA. On this basis, and in accordance with Policy H2, which seeks to deliver a suitable mix of housing across the District over time to contribute to the creation of mixed, inclusive and sustainable communities, the maximum and minimum percentages as set out in the table below should be applied to all sites above 50 dwellings.

*Table 2 - Suggested housing mix based on the LHNA 2025*

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+_beds</b>
<b>Market</b>	10%	35%	35%	20%

- 5.3.6 As this application is in Outline form, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. However, the submitted Planning Statement states at paragraph 4.15 that '*the proposed housing mix for both the affordable and market homes will be in general conformity with the LHNA requirements...*'. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA as set out above and is not just in 'broad compliance'.

## 5.4 Affordable Housing

- 5.4.1 Policy H1 requires that all housing developments of more than 10 units or 1,000 sqm contribute towards affordable housing provision to meet identified local need and address the Council's strategic objectives. The site is located in an area where the approved LDP requires 40% of units to be affordable. In accordance with this policy, the proposal would provide a minimum of 110 affordable dwellings on the site.
- 5.4.2 Access to good quality and affordable housing remains a significant issue for residents of the District. The LHNA 2025 confirms that affordability pressures have increased, with the median house price now standing at over 11 times average income and a significant proportion of households unable to access market housing. The rising cost of living, including fuel and food, has further exacerbated affordability

challenges, and the number of households in need of affordable housing is likely to have grown since the adoption of the LDP. The LHNA 2025 identifies a net annual need for 284 affordable homes, with 71% of this need focused on rented provision.

5.4.3 The LHNA 2025 recommends a tenure split of 70% affordable/social rented and 30% affordable home ownership (intermediate housing), subject to viability. However, paragraph 7.69 of the LHNA 2025 recognises that the Council must consider both relative levels of need and viability when determining tenure mix. While providing Affordable Home Ownership (AHO) may improve viability and allow more units to be delivered, households requiring rented housing, particularly social rented, have more acute needs and fewer housing options. This is supported by the Housing Register data, which shows:

- 798 households currently on the Housing Register, with the highest demand for rented homes.
- Band A–C (urgent to high need) includes 240 applicants, of which:
  - 1-bed: 91 applicants
  - 2-bed: 45 applicants
  - 3-bed: 90 applicants
  - 4-bed: 14 applicants
- Temporary Accommodation pressures:
  - 13 families waiting for 3-bed homes (longest wait: 1 year 7 months)
  - 2 families waiting for 4-bed homes (longest wait: 4 years 1 month)
  - 8 individuals waiting for 1-bed homes
- Severe overcrowding: One Band B family has waited over 10 years for a 3-bed property.
- Recent bidding activity: A 3-bed new build in Heybridge (Nov 2024) attracted 88 bids, and a 2-bed (Nov 2025) attracted 80 bids, demonstrating extreme demand for rented homes.

5.4.4 Given this evidence, the proposed tenure mix has been revised to 75% affordable/social rented and 25% intermediate affordable housing to better reflect acute local need and ensure compliance with Policy H1 and the LHNA 2025 principles.

5.4.5 The Affordable Housing Statement submitted with the application confirms that the development would provide 40% (up to 110 dwellings) affordable housing. The applicant has agreed to the revised tenure split of 75% rented / 25% intermediate, which is considered justified and policy compliant. No objection is raised on this basis.

5.4.6 The LHNA 2025 also recommends that all new dwellings should meet M4(2) accessible and adaptable standards, with at least 5% of market homes and up to 10% of affordable homes meet M4(3) wheelchair user standards.

5.4.7 The Council's Strategic Housing Department has confirmed that there is great demand for three-bedroom rented houses for families. Strategic Housing Services will therefore seek to maximise the delivery of three-bedroom, five- and six-person rented houses, in line with the upper percentage figures recommended in the LHNA 2025. The NPPF also places greater emphasis on the provision of social rented properties, which should be reflected in the tenure mix secured through the S106.

- 5.4.8 To address the increasing need for affordable housing for older people and those with disabilities, the LHNA 2025 identifies a requirement for accessible and adaptable homes, including one-bedroom, two-person bungalows (semi-detached or terraced) as part of the affordable housing mix. These should be provided as rented properties with wet rooms or showers, and up to 10% of affordable homes should meet the higher M4(3) wheelchair user standard.
- 5.4.9 The Strategic Housing Department would seek further discussions with the developer to ensure that the Affordable and Social rented properties do not exceed the Local Housing Allowance inclusive of service charge, to ensure genuine affordability for those in greatest need.
- 5.4.10 The Strategic Housing Team fully supports the application, subject to the affordable units being developed to Nationally Described Space Standards and the gross costs (rent and service charge) being within MDC's Strategic Tenancy Strategy. The LHNA 2025 recommends that affordable housing should be delivered by Registered Providers or Housing Associations recognised and regulated by Homes England and eligible for Homes England funding. The detailed Affordable Housing Scheme, including tenure, cost, and allocation of units, must be agreed with MDC's Strategic Housing Services as part of the Section 106 Agreement.
- 5.4.11 A Section 106 Agreement would secure the following:
- Delivery of 40% affordable housing (minimum 110 dwellings) with a 75% rented / 25% intermediate tenure split;
  - Provision of affordable home ownership products in line with national policy;
  - 5% of market dwellings and 10% of affordable homes to meet M4(3) standards
  - Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England;
  - Gross costs (rent/service charge) to be within the Council's Strategic Tenancy Strategy;
  - All affordable units to meet Nationally Described Space Standards;
  - An Affordable Housing Scheme detailing tenure, cost, and allocation of units to be agreed with the Council.
- 5.4.12 On the basis of the above, the proposed development would be compliant with Policy H1 of the LDP and the recommendations of the LHNA 2025, with the revised tenure mix justified by acute local need and Housing Register evidence.
- 5.4.13 In accordance with Policy H2 a condition will be applied to ensure that the development will provide affordable housing in clusters of no more than 15 to 25 dwellings in any single part of the site.

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

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

5.5.2 Paragraph 131 of the NPPF states that:

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

5.5.3 Paragraph 139 states that:

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

5.5.4 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.

5.5.5 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.

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

5.5.7 The proposed density would be between 25-45 dwellings per hectare. The Framework Plan would allow for a variation in density and building heights proposed across the site to create character and identity, and to respond to the context of the site. Lower densities and building heights are proposed towards the, north south and west, creating a soft transition to proposed open countryside to the west and adjacent heritage assets. Towards the centre and east of the site, and where the site gradient is lower, the density and building heights will be greater.

5.5.8 The Land Use Parameter Plan (8790\_301 Rev D) and Green infrastructure Parameter Plan (8790\_306\_ Rev E) show that large areas of open space are

provided for within the site to provide for an appropriate layout and density to reflect the semi-rural / edge of village location.

- 5.5.9 Details of layout, appearance, landscaping and scale, including the matters raised in regard to the nursery land positioning, would be dealt with at reserved matters stage.

## 5.6 Landscape and Visual Impact

- 5.6.1 Policy S1(9) seeks to conserve and enhance the natural environment and Policy S8 states that the *“countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. Policy D1(1) requires development to *“respect and enhance the character and local context and make a positive contribution in terms of...” (inter alia) architectural style, height, scale and massing, landscape setting, layout, orientation and density”*. D1(2) requires that proposals *“provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces”*, and D1(3) requires that developments *“contribute positively towards the public realm and public spaces around the development”*. The policy, D1(4), states that proposals should *“protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight...”* and at D1(8) states that developments must *“contribute to and enhance local distinctiveness”*. Policy D2(5) refers to green infrastructure and states that *“Negative impacts on ecology, landscape and green infrastructure should be minimised”*. Policy N2 of the LDP seeks to protect and enhance sites of biodiversity and geodiversity.
- 5.6.2 Paragraph 135(c) of the NPPF states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*.
- 5.6.3 Paragraph 187 of the NPPF states that *“planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes...”* and *“(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”*.
- 5.6.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by LDA Design (June 2025). The LVIA sets out the landscape context for the site at a national, county and local level. In terms of landscape character effects, the LVIA concluded the following:
- The most significant effects would be within the site itself, where the landscape would change from arable land to residential and open space.
  - Long-term effects on the site’s character are judged to be ‘Moderate, Adverse.’
  - Effects on land safeguarded for cemetery extension would be ‘Moderate, Adverse’ in the medium term, reducing to ‘Slight, Adverse’ after planting matures.
  - Effects to the west of the site would be ‘Moderate, Adverse’ in the medium term, reducing to “Moderate-Slight, Adverse” in the long term.
  - Effects on the character of Maldon Cemetery would be ‘Slight, Adverse’ in the medium term, reducing to ‘Minimal, Neutral’ once planting matures.
  - Beyond the immediate site, effects would be limited and diminish rapidly with distance due to screening by vegetation and landform

5.6.5 In terms of the visual effects:

- The greatest visual effects are for users of Public Footpath 253\_2 with 'Major, Adverse' effects in both the medium and long term.
- Users of Maldon Cemetery would experience 'Major-Moderate, Adverse' effects in the medium term, reducing to 'Moderate, Adverse' after planting matures.
- Users of the footway on the south side of the bridge crossing the A414 would experience 'Slight, Adverse' effects in the medium term, reducing to 'Slight-Minimal, Adverse' in the long term.
- Public Bridleway 270\_30 would see 'Moderate, Adverse' effects in the medium term, reducing to 'Slight, Adverse' after planting matures.
- Users of the A414 would have 'Slight, Adverse' effect at the site access, with effects reducing further away from the site.
- National Cycle Route 1 users would experience 'Slight, Adverse' effects in the medium term, reducing to 'Slight-Minimal, Adverse' in the long term.
- Visual effects would otherwise be localised and limited, with most views screened or filtered and seen in the context of existing development.

5.6.6 The LVIA concludes that while there are significant localised adverse effects, particularly at the site boundaries, the wider landscape and visual impacts are limited and diminish with distance.

5.6.7 The Council commissioned an independent review of the LVIA, undertaken by Nigel Cowlin Landscape Assessment and Design (Ref: NC25.919-lva review, August 2025) (the NC Review). The NC Review is broadly satisfied that the submitted LVIA provides a generally sound and methodical review of the potential landscape and visual effects arising from the proposed development. However, it highlights some minor technical differences and areas where the approach could be clearer or more up to date. These are not considered significant enough to undermine the overall assessment.

5.6.8 The NC Review considers that the LVIA may underestimate both the value and susceptibility of the local landscape, suggesting it should be regarded as having "moderately elevated" value, rather than the lower "community" value attributed in the LVIA. The NC Review also finds that the scale and extent of landscape effect, particularly in the northern part of the site, would be greater than assessed in the LVIA, with the potential for "major-moderate" harm at the local and county levels.

5.6.9 The NC Review agrees that the greatest effects are localised, especially for users of Public Footpath 2 and visitors to Maldon Cemetery but considers the harm to local character and views would be higher than stated in the LVIA.

5.6.10 The NC Review suggests that omitting the north-western parcel of the development could reduce the overall level of harm from "major-moderate" to "moderate".

5.6.11 Both the LVIA and the independent NC Review acknowledge that the proposed development will result in landscape and visual harm, particularly at the local level and potentially affecting the wider county-level landscape character, with the most significant effects arising from the inclusion of the northern parcel. However, these effects are largely localised to the site, its immediate surroundings, and key viewpoints such as the adjacent cemetery and public footpaths. The site is not within a nationally designated landscape, and the wider landscape character will remain intact beyond the development area.

5.6.12 The findings from the 2015 application in relation to the landscape and visual impacts were that *'the proposal development would have a material effect on the landscape character of the site and surroundings...'*. Therefore, that application was refused on the basis of the landscape and visual impacts (amongst others) the application was refused. However, the proposed scheme is of a lesser scale than the previously refused scheme and the Council's 5YHLS position is different. Therefore, the harm identified above in respect of this proposal must be explored further and weighed in the Planning Balance.

## 5.7 Impact on Heritage Assets

5.7.1 The application would affect the following heritage assets:

- Headlands Barn a Grade II listed building
- Maldon Cemetery a non-designated heritage asset

5.7.2 There are other heritage assets that would not be affected by the proposal:

- Maldon Hall, Maldon Wycke and granary to the north of Maldon Wycke Grade II listed buildings.
- Cemetery Lodge and Maldon Cemetery Chapel locally listed buildings.

### *Headlands Barn*

5.7.3 Despite the domesticating effects of residential conversion, Headlands Barn retains architectural and historic interest as a good example of a 17th or early-18th century threshing barn. Its architectural interest derives from its form, materials and its timber-framed structure. The barn has a historical association with the Grade II listed Maldon Hall, a 14th-century moated manor house to the southwest, but the visual relationship between the two buildings is obscured by the dense vegetation now surrounding Maldon Hall. The field which is the application site aids an appreciation of the barn's significance, by providing agricultural context. The barn's tall roof can be seen from the application site, amidst foliage, and there are views of the application site from the upper windows of the barn, albeit filtered by vegetation. The views from the barn's upper windows have only existed since the building's late-20<sup>th</sup> century residential conversion, so these are not historically significant views. The barn's setting has changed in various ways within the last 50 years. Hedgerows have been removed from the application site to create a single large field. Three barn-style houses (Nos 1-3 Courtyard Mews) have been built immediately to the east of Headlands Barn.

5.7.4 The proposed development would cause harm to the significance of Headlands Barn through the urbanisation of its agricultural setting. However, as acknowledged by the Council's heritage specialist, that harm would be limited by the existing established vegetation and would be further mitigated by supplementary planting. The mitigation is also helped by the fact that the proposed properties closest to the barn would be single storey in height and this would be managed by a condition. Considering this, the Heritage Specialist finds that the proposal will cause a low level 'less than substantial harm' to the significance of Headlands Barn, caused by the urbanisation of the listed building's agricultural and rural setting. This harm must be weighed against the public benefits of the proposal which can be found in the Planning Balance at section 5.13

### *Maldon Cemetery*

5.7.5 Maldon Cemetery is regarded as a 'non-designated heritage asset' for the purpose of paragraph 209 of the NPPF.



- 5.7.6 The cemetery is positioned to the northeast of the application site. It was originally established in 1855 when it occupied a modest plot south of London Road. Throughout the course of the 20th century, it was extended several times to the west, most recently in 1996. One of two original cemetery chapels survives near the northern boundary, while a Tudor-Revival style cemetery lodge was built near the entrance in 1892. Both these buildings are locally listed for the architectural and historic interest. The old cemetery retains its original boundary wall and iron entrance along its northern boundary. The site of the old cemetery is relatively flat, whereas the newer extension rises to the west and falls to the south. The site of the original cemetery is distinguishable in the landscape from some distance by its mature 19<sup>th</sup> century coniferous planting.
- 5.7.7 The cemetery, including the chapel, lodge boundary wall and iron gates, possesses moderate local architectural and historic interest. The original cemetery area to the east possesses the most historic value, while the whole cemetery has communal value, as a place of remembrance and contemplation. The application site contributes a sense of isolation and tranquillity to the cemetery, which aids an appreciation of its significance. However, the absence of any historic functional relationship limits the importance of the application site to the setting of the cemetery in heritage terms, as does the degree of vegetative screening, particularly around the original cemetery area.
- 5.7.8 In terms of the level of harm the development would have to the significance of the Cemetery, the Council's heritage specialist has deemed this to be a limited level of harm. Given that planting is proposed along the boundary with the existing cemetery and would be agreed at Reserved Matters, although the development would result in changes to part of its setting, the ability to appreciate the cemetery's local architectural and historic interest would be largely unaffected. This harm must be weighed within the heritage balance which can be found at section 5.13.

## **5.8 Impact on Residential Amenity of Future and Existing Occupiers**

- 5.8.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.8.2 The application is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance, and layout, being reserved for future consideration. Given that the matters mentioned above are subject to submission and revision and considering the limited level of information provided with the application, it is not possible to fully assess the impact of the proposal on residential amenity.
- 5.8.3 Notwithstanding the above, a development of this scale will inevitably increase levels of activity on site in comparison to the existing use. The site abuts residential development on its southern boundary. However, the proposed residential development would result in a use that is compatible in terms of amenity with the adjoining residential properties and thus, it would not adversely impact upon the amenities of the neighbouring occupiers in that respect.
- 5.8.4 The MDDG states that where new development backs on to the rear gardens of existing housing, the distances between buildings should be 25m (C07 Residential Amenity). The Illustrative Masterplan shows that dwellings within the southern part of the site could potentially back on to the dwellings at Maldon Hall Farm. However, as shown on the Land Use Parameter Plan there would be a soft landscaped buffer

between the proposed residential parcels and existing development to the south. Having regard to the distances that can be achieved, the residential element of the scheme could be designed to minimise any unacceptable impacts to the neighbouring occupiers in terms of overlooking, a loss of light or a dominating impact. Therefore, an appropriate layout could be produced so that the amenities of the neighbouring occupiers are not detrimentally impacted.

- 5.8.5 The site would also be large enough to ensure suitable separation distances can be achieved between the proposed dwellings and this detail would be subject to an assessment at the Reserved Matters stage. There is also sufficient space within the site to ensure that each plot will be provided with sufficient amenity space provision.
- 5.8.6 The application has been supported by a Noise Assessment (Ref: 784-B046224 June 2025). The Assessment indicates that during the construction phase noise levels at the facades of the existing noise sensitive properties will be below the BS 5338-1 noise limit criteria of 75 dBA.
- 5.8.7 In relation to the operational phase the Noise Assessment predicts that a number of plots in the indicative design, notably on the eastern boundary and a few isolated instances along the northern boundary, will be subject to exceedances of recommended guideline internal noise levels as a result of road traffic noise. The figure setting out the existing noise receptors taken from the Noise Assessment has been provided below. Whilst it is suggested that the affected dwellings/facades should be provided with an alternative means for ventilation in line with current guidance, the final design may differ at the Reserved Matters stage and a reassessment may be required. Notwithstanding this, it should be noted that the Noise Assessment expects that all receptors will be able to utilise openable windows as the primary means of ventilation. On this basis, a condition to secure certain noise criteria are met within the dwellings should be imposed. This is in accordance with the comments made by Environmental Health.

Figure 3.3: Existing Receptor Locations



- 5.8.8 The Noise Assessment also indicates that a 3m high acoustic barrier along the eastern edge of the site is required, along with 1.8m high close boarded fencing between plot boundaries, to offset noise in external amenity areas from the A414. Whilst this is considered appropriate, a condition will be necessary to ascertain the details of the performance, construction and location of the barrier.
- 5.8.9 The potential battery storage could also cause noise impacts on the future occupiers. The Environmental Health Officer has suggested a precautionary approach given that there are no confirmed locations or plant details. Therefore, a condition should be imposed requiring a more robust assessment alongside a Reserved Matters application, including the location of any substations and battery storage and the specification of chosen equipment. It is also suggested that specific consideration may also be required in relation to the noise from substations which has a low frequency element arising from the transformer which cannot be reliably assess using A-Weighted noise criteria alone.
- 5.8.10 The Noise Assessment also considered the noise impacts of any increase traffic movements resulting from the development and it was found that the change in noise level as a result of increased traffic associated with the proposed development would have negligible significant at all existing sensitive receptors.
- 5.8.11 The proposed nursery would fall within Use Class E and is considered a compatible development for a residential area.
- 5.8.12 In terms of air quality, the Air Quality Assessment (Ref: 784-BD046224, June 2025) reasonably concludes that there will be no significant adverse impacts as a result of the construction phase and the operational phase of the development so long as appropriate site-specific mitigation measures based on Section 8.2 of the IAQM Guidance on the Assessment of Dust from Demolition, Earthworks, Construction and Trackout are implemented during the construction phase. Whilst this is considered acceptable, a Construction Environmental Management Plan (CEMP) will be required to reduce the risk of impacts from dust during the construction phase. This can be secured by way of a condition.
- 5.8.13 In relation to the operational phase, the development is not within an Air Quality Management Area and the Air Quality Assessment confirms that the proposal would be acceptable from an air quality perspective. Environmental Health have been consulted and are in agreeance with this stance.

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

- 5.9.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards 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.
- 5.9.2 The proposed development is outline in nature, with all matters, with the exception of access are reserved. Therefore, the matters in relation the layout and provision of car parking would be assessed at the detailed stage. However, the access proposal, with the exception of internal site access arrangements, should be considered in full.
- 5.9.3 The application has been supported by a Transport Assessment.

## Access, Transport and Highways Improvements

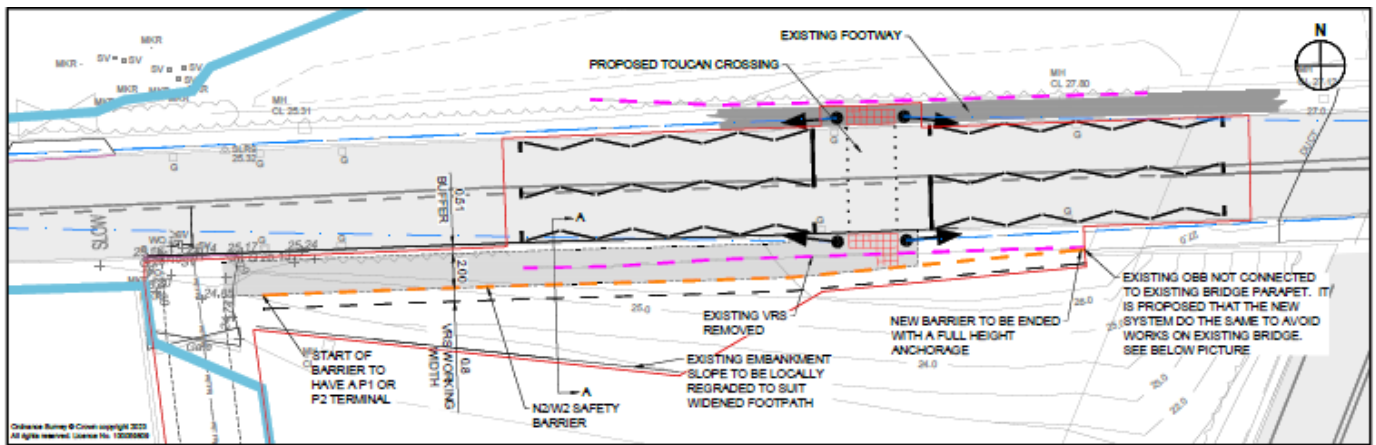
- 5.9.4 The proposed access arrangements are supported by a Transport Assessment and subsequent Addendum, prepared by SLR Consulting Limited. The scheme proposes primary vehicular access via a new roundabout on the A414 (figure below), situated north of the existing Spital Road roundabout. This new junction has been designed to accommodate all anticipated vehicle types, including buses, and has undergone a Stage 1 Road Safety Audit.

Proposed roundabout: Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02



- 5.9.5 In addition to the main access, two emergency access points are proposed, one from London Road to the north and another from the A414 to the south of Spital Road.
- 5.9.6 Pedestrian and cycle access will be enhanced through the provision of new shared footway/cycleways. A 3.5 metre wide link will connect the site to London Road, where a new signalised toucan crossing will facilitate safe access to Maldon town centre. Further pedestrian and cycle connections are proposed to Spital Road and via the existing Maldon Hall Farm access onto the A414 (shown below), both of which will benefit from new signalised crossings. Additional crossings are planned immediately east of the Spital Road roundabout and to the south, linking to the A414/B1018 Limebrook Way roundabout. A signage strategy will be implemented to encourage active travel and guide residents to key destinations.

London Road crossing figure (Drawing 227074/PD02.3 Rev A) :





[illegible]

- 5.9.7 Public transport accessibility will be improved by the provision of a new northbound bus stop on the A414, equipped with raised kerbs, a shelter, real-time passenger information, and associated facilities. The existing southbound stop will also be upgraded. The development will be supported by a Residential Travel Plan, including travel information packs and incentives to promote sustainable travel choices. These measures can be secured by way of a condition.
- 5.9.8 ECC, as the Highway Authority, has raised no objection in principle to the proposed access arrangements, subject to a series of conditions and obligations. These include the delivery of the new roundabout and associated crossings, the provision of enhanced pedestrian and cycle links, improvements to bus stops, and a financial contribution of £850,000 towards public transport enhancements. The developer will also be required to prepare and adhere to a Construction Management Plan, extend the 40mph speed limit on the A414 if necessary, and ensure that public footpath Maldon 2 remains unobstructed. An updated Residential Travel Plan and annual monitoring fee are also required.
- 5.9.9 The Highway Authority is satisfied that, with these measures in place, the development will not have a severe impact on local highway safety or efficiency. Active Travel England has also reviewed the proposals and, while requesting further detail on certain aspects, has not objected in principle. Overall, the access strategy is considered to be safe, inclusive, and in accordance with both local and national policy, providing for the needs of all users and supporting sustainable travel choices.
- 5.9.10 Notwithstanding the above, Active Travel England have recommended a condition relating to street lighting. This has not been included at this stage but should be included at Reserved Matters.

#### Highway Capacity

- 5.9.11 A significant number of letters of representation have raised concerns regarding highway safety and traffic congestion. However, ECC as the Highway Authority has reviewed the submitted information and are satisfied that the proposal has been subject of a suitable Transport Assessment. Some errors in transposition of observed traffic data into the junction assessment models were noted, which the Local Highway Authority suggests may exaggerate capacity. However, they are satisfied that the development can be provided without a severe impact on local safety and efficiency, which is the NPPF threshold for refusal on highways grounds.
- 5.9.12 In the absence of an objection from the Highway Authority, Officers do not consider a reason for refusal on the grounds of highway safety could be substantiated.

#### Parking Provision

- 5.9.13 The Council's adopted VPS contains the Council's parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to

sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.9.14 It is noted that the application has been submitted in outline and limited details for off-street parking have been provided with the application. Should permission be granted a condition to secure off-street parking provision for the development that is compliant with the VPS would be imposed.

## **5.10 Ecology and Biodiversity**

- 5.10.1 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.'
- 5.10.2 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.
- 5.10.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

### Ecology

- 5.10.4 The application has been supported by an Ecological Impact Assessment (BSG Ecology, June 2025) and a Shadow Habitats Regulations Assessment (HRA) (BSG Ecology Ltd, June 2025) relating to the likely impacts of the proposed development on designated sites, protected and Priority species & habitats and identify appropriate mitigation measures.
- 5.10.5 Place Services Ecology initially issued a holding objection on 10 September 2025, citing insufficient ecological information to determine the application. They requested further details on on-site visitor management measures to mitigate recreational disturbance on coastal Habitat sites, an outline mitigation strategy for Skylark as a Priority species, and mandatory Biodiversity Net Gain information. In response, the applicant submitted additional material, including detailed plans for over six hectares of informal semi-natural greenspace, a 1.7 km walking route and a 4.5 km circular permissive path, together with confirmation of signage, dog waste bins and long-term maintenance commitments. A Skylark mitigation strategy was provided, based on the use of skylark plots on suitable off-site land, and habitat condition assessment sheets were supplied to address baseline data requirements.
- 5.10.6 Following re-consultation on 22 October 2025, Place Services confirmed that sufficient information had been provided and withdrew their objection. They advised that the development could be made acceptable subject to conditions securing a Construction Environmental Management Plan (CEMP: Biodiversity), a Farmland Bird Compensation Strategy, a Biodiversity Enhancement Strategy for protected and priority species, wildlife-sensitive lighting design, a Habitat Management and Monitoring Plan for a 30-year period, and submission of a Biodiversity Gain Plan prior



to commencement. They also recommended a financial contribution to the Essex Coast RAMS and suggested additional biodiversity enhancements, such as bat boxes, bird bricks, bee bricks and hedgehog-friendly fencing.

5.10.7 In conclusion, Place Services stated that, with these measures secured through conditions and planning obligations, the development would not result in significant adverse ecological effects and is considered acceptable in principle.

5.10.8 In addition to Place Services, Green Infrastructure Environment and Climate Action at ECC were also consulted on the application and have requested conditions securing a Habitat Management Plan and Monitoring Plan and Landscape Ecological Management Plan (LEMP). These should be secured as part of any approved planning permission.

#### Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

5.10.9 The development is at a scale at which bespoke advice is given from Natural England (NE) is required. To accord with NE's 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 HRA has been undertaken by the Council's Ecology consultant and NE have been consulted on the findings.

##### *Test 1: Likely Significant Effect:*

5.10.10 The development is for up to 275 dwellings within the 22km Zone of Influence (Zoi) of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site and Essex Estuaries SAC. Within this ZOI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation.

5.10.11 The application is considered by MDC to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity

##### *Test 2: The Integrity Test*

5.10.12 The developer has confirmed and agreed that the following will be incorporated within the development, as set out within the submitted Report to Inform Habitats Regulations Assessment (June 2025), appendix 1 and appendix 2.

- High-quality, informal, semi-natural areas for recreational purposes within the proposed green infrastructure design.
- Recreational opportunities for a 1.7km daily walking route and access to 4.5km circular route comprising permissive paths within the control of the Applicant combined with PROWs, for new residents 275 dwellings will generate 660 new residents (based on 2.4 people/dwelling) and 82.5 dogs (based on Kennel Club figures for 30% households owning a dog).
- Recreational opportunities shall be promoted by way of leaflets and an interpretation board on site for the 6ha of high-quality greenspace to be provided and connections to the local public rights of way network, as shown on Appendix 1. To secure the management and maintenance of these provisions, the developer will produce a long-term management plan (either as a condition of consent or via a S106 agreement) and has committed to

including signage within the open space and leaflets for new residents to promote the open space and nearby PRow for recreation purposes.

- 5.10.13 This mitigation aims to avoid impacts from the development alone.
- 5.10.14 Each phase of the proposal to erect 275 dwellings will trigger a proportionate financial contribution towards offsite visitor management measures for the Habitats Sites, in line with the Essex Coast RAMS (Tariff for 2025/26 is £169.45 per dwelling) for delivery prior to occupation.
- 5.10.15 The Council has consulted NE on this Habitats Regulation Assessment record and they have confirmed that they agree with the proposed mitigation measures for this application (Consultation Reference: 531837)

#### Conclusion

- 5.10.16 Having considered the proposed avoidance and mitigation measures above and compared these against NE's advice in Annexes I and II, MDC concludes that with implementation of these mitigation measures, the development will not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS, either alone or in combination with other plans and projects.
- 5.10.17 Subject to the RAMS payment and open space being secured through the S106 in addition to necessary conditions

#### Biodiversity Net Gain (BNG)

- 5.10.18 Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 5.10.19 The application is supported by BNG information including a baseline conditions map (NSG Ecology, May 2025), BNG Assessment (BSG Ecology, June 2025) and Appendix 2 of the BNG assessment containing the BNG assessment sheets, demonstrating compliance with the statutory requirement for a minimum 10% net gain in biodiversity value. The site is expected to deliver a net gain of 10.47% in habitats and 33.1% in net gain hedgerows to be achieved through tree and hedgerow planting, ecologically diverse SuDs basins and new wildflower areas.
- 5.10.20 A Biodiversity Gain Plan will be required by condition prior to commencement, including:
- Pre- and post-development habitat plans and metric calculations.
  - Legal agreements for long-term management (minimum 30 years).
  - Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, with monitoring at specified intervals.
- 5.10.21 The Council's ecological consultant is satisfied that, subject to these conditions, the development will deliver measurable net gains for biodiversity in accordance with the NPPF, Environment Act 2021, and local policy.

### **5.11 Flood Risk and Sustainable Urban Drainage**

- 5.11.1 Policy D5 of the Maldon District LDP seeks to direct growth to areas with the lowest risk of flooding, whilst also ensuring that development proposals do not increase

flood risk elsewhere and incorporating measures to reduce causes and impacts of floodings.

5.11.2 The application site lies within Flood Zone 1 but there are localised points within the site that are susceptible to surface water flooding and is at medium risk. However, the development has been designed so that the proposed dwellings would be located in low-risk areas, and the affected part of the development would be the access from the A414.

5.11.3 Updates to the PPG state that when applying paragraph 175a of the NPPF in relation to sequential testing for surface water flood risk a '*proportionate approach should be taken.*' It goes on to state the following:

*'Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*

5.11.4 In light of the above, the sequential test is not required for this application and no objection is raised on the following basis:

- Both the developable area and the access road are shown to be at low risk of surface water flooding on the Environment Agency's Flood Map for Planning.
- The submitted Flood Risk Assessment and Drainage Strategy demonstrate that the development, including the spur of the new access road, will be safe from current and future surface water flood risk for its lifetime.
- The new access road will drain into the site and benefit from the on-site attenuation systems, ensuring that surface water is managed appropriately and does not increase flood risk elsewhere.
- The roundabout and main road drainage will continue to be maintained by the Highways Authority and will discharge to their existing network, with no anticipated change to current arrangements and no increase in flood risk.
- Discharge from the site will be restricted to existing greenfield rates, with a 45% uplift for climate change, in accordance with the NPPF and Essex SuDS Guidance.
- The residual pluvial flood risk is assessed as low, and in accordance with PPG, users would remain safe from current and future flood risk for the lifetime of the development, with no increase in flood risk elsewhere.

5.11.5 It is also noted that neither the LLFA nor the Environment Agency have raised objections to the application on flood risk grounds, recommending a number of conditions and thereby indicating that they have no objection to the submitted Flood Risk Assessment and Drainage Strategy.

5.11.6 Having considered the comments made by the EA and LLFA, subject to the imposition of the above conditions if the application were to be approved, there is no objection raised in respect of flood risk and drainage.

## 5.12 Green and Blue Infrastructure

5.12.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types

of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

5.12.2 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 Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.

5.12.3 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that:

*“The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development.”*

5.12.4 MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.

5.12.5 Paragraph 131 of the NPPF states that *“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”*. Also, it refers in paragraph 135 (e) to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

5.12.6 The Planning Statement, Land Use Parameter Plan and Green Infrastructure Parameter Plan demonstrate that 7.25ha of land is proposed as open space, equating to 33% of the site area. It is also stated that the open spaces will be provided as part of the first phase of the development, which can be secured via a S106 agreement.

5.12.7 The public spaces have been described in the Planning Statement in three parts, which are described in Section 7 of the Design and Access Statement as:

- *‘Valley Park – This area is characterised by a rich and high-quality landscape including attenuation basins with wetlands, extensive planting, tree clusters, pedestrian, and bicycle routes, and play. It is the primary green space at Maldon Woods and easily accessible.*
- *Oak Ride – This area is characterised by a linear landscape condition that accommodates tree planting, and vegetation along the eastern edge of the site. It forms part of the wider green infrastructure and active travel framework including key north-south pedestrian and bicycle routes.*
- *Wycke Green – This area has been sensitively designed to contextually respond to the site’s location and setting, which include a number of different conditions. To the north, the development fronts on to Spital Avenue, which forms a generous east-west green corridor extending from Spital Road (east) to Valley Park (west). To the east, Wycke Green provides a new gateway into*

*the site. The southern edge fronts on to open landscape, existing woodland, and sensitive historic farmsteads.*



- 5.12.8 The submitted Parameter Plans do not explicitly state where features such as LEAP, LAP and areas for informal recreation such as a community garden/vineyard will be sited and note them as indicative. However, based on the above, and the illustrative masterplan, there is sufficient open space within the site to provide suitable provision for Public Open Space.
- 5.12.9 The Blue Infrastructure includes attenuation basins which would be integrated into the green infrastructure above. Full details of the blue infrastructure would be required at reserved matters stage.
- 5.12.10 The application is submitted in outline, but the Parameter Plans illustrate the layout of the scheme, including the provision of public open space. In all, a substantial level of open space is provided, in part due to the need to mitigate the visual impacts of the development. The provision of open space in this instance is considered to be an extensive offering and accords in the LDP and MDDG.

5.12.11 Green Infrastructure Environment and Climate Action were consulted on the application and support the requirement of a CEMP, LEMP and Habitat Management and Monitoring Plan to be secured by conditions as discussed in the ecology section above. They have also noted that:

*'A GI Parameter Plan is included with the planning application which is positive, and the Design and Access Statement sets out the design evolution of the site. The scheme retains all landscape features including landmark oak trees, hedgerows and woodland tree belts around the site. Strong buffers to peripheral parts of the site are planned which will enhance the green infrastructure and connections to the wider network. It is intended to provide active travel routes that will connect from the north and the south of the site residential areas to join existing routes into the town centre. The Biodiversity Gain Statement projects a 10.47% gain for habitat units, a 33.19% gain for hedgerow units and no gain for watercourse units. No offsite proposals are judged necessary.'*

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5.12.12 On this basis Green Infrastructure raise no objection to the proposal, subject to the conditions set out above and an additional condition requiring a Green Infrastructure Strategy/Landscape Strategy.

5.12.13 The consultee has also set out other considerations which are:

- Play and Natural Play: Play strategies should be informed by the character and function of green spaces, with imaginative design using landforms, level changes, water, and natural materials (e.g., logs, boulders). Natural play opportunities are encouraged alongside formal play provision.
- Sustainable Design Features: Consideration should be given to wildlife bricks, dual-purpose street furniture (such as benches with planters), and integrating these features into the landscape to enhance biodiversity and connectivity.
- Urban Greening Factor (UGF): The Urban Greening Factor is strongly recommended as best practice to improve GI provision and contribute to Biodiversity Net Gain.
- Long-term Management and Funding: Arrangements for the long-term management and funding of GI assets and green spaces, including management company arrangements, should be secured.
- Partnership Opportunities: Opportunities for collaboration, such as with the Essex Forest Initiative for tree planting, should be explored.

5.12.14 The above can be addressed through the reserved matters or secured as part of the Green Infrastructure Strategy.

## 5.13 Other Material Considerations

### Archaeology

5.13.1 An archaeological desk-based assessment and geophysical survey, aerial photographic survey, lidar survey and geoarchaeological survey have been submitted as part of the application, which identifies that there are surviving archaeological features on site. The Historic Environment Officer at ECC notes that these appear to be medieval or post-medieval features related to agricultural landscape associated with the medieval moated complex at Maldon Hall. However, there are a number of other features identified that remain undated. The desk-based assessment has also identified the proximity of the site to the known archaeological features of prehistoric, Roman and Saxon date on the top of Maldon hill and on its slopes. Accordingly, the County archaeologist has advised that any development on

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

### Trees

- 5.13.2 The application has been supported by an Arboricultural Implications Report by SJA Trees (Ref: SJA air 25194-01a, June 2025). The site contains a number of individual trees within the site and groups of trees. The development will require the removal of six moderate value and 11 low value trees to facilitate the development. Part of several trees groups and hedges also require removal. The majority of the losses will be as a result of the need to facilitate the access to the site. However, as acknowledge by the Council's Arboricultural Consultant this significant Arboricultural impact will have a short term impact and will be mitigated by the establishment of new tree planting, particularly to the north of the proposed access. This is supported by the Planning Statement which suggests that approximately 350 new trees will be planted across the site.
- 5.13.3 There is a veteran English Oak tree located on the eastern boundary of the site, which the Local Planning Authority has identified as a 'Legacy Tree'. Paragraph 193 of the NPPF states that:
- 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>70</sup> and a suitable compensation strategy exists;'*
- 5.13.4 Further to the above, current guidance states that ancient or veteran trees should be protected from root damage via a buffer zone that is at least 15 times larger than the diameter of the trunk, or 5m from the trees canopy if it is larger.
- 5.13.5 The Arboricultural report specifies that veteran tree will be retained and no development will occur within the buffer zone.
- 5.13.6 On the basis of the above, subject to conditions requiring landscaping details at Reserved Matters as well as the protection and retention details of the trees to be retained no objection is raised on Arboricultural grounds.

### Contamination

- 5.13.7 The application is supported by a Phase 1 Environmental Desk and Study and a Phase II Intrusive Site Investigation which concludes the site as at low risk of contamination. Environmental Health has advised that the methodologies are suitable and that they are satisfied with the conclusions drawn. On this basis no conditions regarding land contamination or necessary.

### NHS Property Services and Health Impact Assessment (HIA)

- 5.13.8 Policy I2 (Health and Wellbeing) of the LDP aims to improve the district's health and wellbeing through four objectives:
- '1) *Addressing health issues identified in the Maldon HNA and other plans and initiatives produced by Essex Public Health, NHS England, the Mid Essex Clinical Commissioning Group, Essex Health & Wellbeing Board or any associated or successor bodies, to deliver modern healthcare which meets the needs of the District;*

- 2) *Maximising accessibility to services, particularly for vulnerable groups, through better service integration and locating new services where access can be improved;*
- 3) *Promoting suitable types of residential developments which cater for the ageing population and support healthy and independent lives; and*
- 4) *Ensuring increased access to the District's green spaces and opportunities for higher levels of physical activities.'*

5.13.9 The Policy also requires developments of 50 or more residential properties to undertake a HIA. Therefore, the application has been supported by a HIA dated June 2025 by Savills.

5.13.10 The HIA concludes that the proposed development will facilitate the creation of a healthy, vibrant, and cohesive community. The scheme encourages active transport and recreation through the provision of walking and cycling infrastructure, public transport links, and a variety of open spaces and play areas. There is sufficient capacity within local healthcare facilities to accommodate new residents, and no material adverse impact on health service demand is anticipated. No significant adverse health or wellbeing impacts have been identified. The assessment recommends that further detail be provided at the detailed design stage regarding inclusivity, dementia-friendly design, secured by design principles, management of open spaces, and public realm features such as lighting and signage.

5.13.11 However, the NHS have been consulted on the HIA and does not agree with its conclusion that there is sufficient capacity within local GP practices to accommodate the additional population. The Integrated Care System (ICS) highlights that both Blackwater Medical Centre and Longfield Medical Centre already operate with a significant floorspace deficit and patient-to-GP ratios well above the recommended standard.

5.13.12 The consultation response considers that the proposed development will generate approximately 660 new residents, further increasing demand on already constrained primary healthcare services. To mitigate this impact, the NHS requests that a developer contribution of £192,600 be secured through a S106 agreement to fund additional healthcare capacity. Without such mitigation, the ICS considers the development would impose an unsustainable burden on local healthcare services.

5.13.13 The Developer has been consulted on the above and has agreed to meet the contribution through the S106.

#### Foul Drainage

5.13.14 Anglian Water have indicated that there is capacity to accept flows from the development. Therefore, whilst consideration has been given to the concerns raised within letters objecting to the development, it would appear that the development would not cause any adverse impacts in terms of foul water. It is also noted that Anglian Water have not requested any conditions. Therefore, as there is capacity within the system, no conditions are proposed. However, the suggested informatives would be included on a decision notice which sought to approve this application.

#### Designing out Crime

5.13.15 Essex Police have recommended a planning condition requiring a Crime Prevention Strategy, Crime prevention is a material planning consideration under the NPPF,



which seeks to create safe and accessible environments where crime and disorder do not undermine quality of life (para 96). Given the significant scale of the proposed development (275 dwellings, cemetery and nursery land) and the ongoing growth in the area, it is essential to ensure that the layout and design minimise opportunities for crime and anti-social behaviour. Engagement with the Essex Police Designing Out Crime Team and incorporation of Secured by Design principles will help deliver a safe and sustainable community, consistent with national and local planning policy objectives.

#### 5.14 Planning Balance and Conclusion

5.14.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

5.14.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states:

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

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

5.14.4 The main impacts of the proposal which are benefits are:

- Providing new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position. The housing need is increasing, and the Council can only demonstrate a 2.7 year supply which emphasises the weight that should be given to delivery of housing in the planning balance, notably in the context of NPPF para 11(d)(ii) requiring particular regard on provision of affordable homes. It is also noted that the NPPF now includes a new reference to mixed tenure sites (para. 71) which explicitly recognises the benefits of mixed tenure sites (which include a mixture of ownership and rental tenures, stating “mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions...”. The mix of tenures would be secured via a legal agreement. The delivery of affordable housing (110 units) is given substantial weight;
- The development would provide high quality public open space, amenity areas for existing and future residents and is given substantial weight as a result of its health, social and environmental benefits associated with the open spaces. There would also be a proposed BNG (10.47% for habitat units and a 33.19% gain for hedgerows) The NPPF para 96(c) now also refers to “promoting good health and preventing ill-health” (this is a new reference in the NPPF) in relation to the role of planning policies and decisions in achieving healthy, inclusive and safe places, giving examples (both in the previous and current NPPF) of doing so via safe and accessible green infrastructure, local shops, allotments, and layouts that encourage walking and cycling.

- The provision of land for the cemetery expansion is given significant weight as a result of the community benefit it brings and the pressing need for burial plots in the District.
- The proposed delivery of an EYFS setting would bring a diverse offering to the area and would provide places for 0-2 year olds and places outside of term time. The NPPF specifies this should be given great weight in the planning balance.
- Economic benefits during the construction phase and ongoing economic benefits. The economic benefits from the construction phase would be temporary and the additional employment opportunities within the site would be limited to the proposed nursery provision. However, the additional dwellings would support the viability of the existing business within the town. This is given moderate weight.
- Matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver on-site BNG, which would be secured for 30 years; and
- In addition, the development would be acceptable in terms of flood risk and drainage and would ameliorate onsite issues, subject to final details at reserved matters stage and via condition. This is given limited weight.
- Development contributions (in addition to the ones discussed above) are given significant weight. The NPPF which states that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”. The scheme includes upgrades to the existing bus network, improvements to Active Travel routes through the provision of new shared footways/cycleways along with a signage strategy to encourage active travel.

#### 5.14.5 The main impacts of the development that are harmful are:

- There would be harm to the character and appearance of the area and existing landscape, which would not be reversible. This carries significant weight as the harm is fairly localised but cannot be fully mitigated against.
- Heritage – There would be less than substantial harm to Headlands Barn a Grade II listed building, and limited harm to the significance of the cemetery as a non-designated heritage asset. The decision maker must carry out the appropriate planning balance, weighing the less-than-substantial harm that has been identified to the significance of the grade II listed Headlands Barn (which, in accordance with paragraph 212 of the NPPF, carries ‘great weight’) against the public benefits associated with the proposal. The decision should also ‘take into account’ the limited degree of harm posed to significance of Maldon Cemetery as a non-designated heritage asset of moderate local architectural and historic interest.

The considerable public benefits associated with the provision of up to 275 houses, a nursery and land to extend the cemetery should outweigh the harm identified. Therefore, heritage harm does not form a reason for refusal

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

- 5.14.6 Considering the application of paragraph 11 d) of the NPPF, for the reasons indicated earlier, heritage assets and habitat sites do not provide a strong reason for refusing the proposed development as per paragraph 11 d) i. This means that it is necessary to consider whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies in the NPPF for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.14.7 The planning balance is not a mathematical exercise whereby a number of weights of benefits equals an acceptable scheme but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the harms identified with this proposal, which are of importance to decision making.
- 5.14.8 The proposal would result in significant adverse impacts to the character of the host landscape and harmful visual effects from various perspectives which would very substantially harm the character and appearance of the area. The NPPF seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside. The adverse impacts of the development attract significant weight. However, other material considerations, namely the substantial benefits of the scheme, comprising the provision of market and affordable housing, the various economic environmental and social benefits, and the reasonable accessibility to shops and services, all taken together, clearly outweigh any harms arising.

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

- **14/00236/SCR** - Request for a Screening Opinion to determine the requirement for an Environmental Impact Assessment (EIA) for mixed use development inc. healthcare facilities, A1 retail, care home, offices and residential. **EIA required.**
- **SOR/MAL/14/00236** - Request for Scoping Opinion under Regulation 13 of the Town and County Planning (Environmental Impact Assessment) for mixed use development at land at Spital.
- **14/01106/OUT** - Outline planning application for mixed use development comprising residential development of up to 340 dwellings, community health facilities, care home, Class A1 retail, community land, public open space, landscaping, highway works and associated works at Maldon Hall Farm – **Application refused and appeal withdrawn**
- **16/00881/SCR** - Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA). **EIA not required.**
- **23/00180/SCR** - EIA Screening opinion request for up to 350 residential dwellings with supporting amenity space, landscaping, green infrastructure, and sustainable drainage systems and means of access. The proposals may also include an extension to Maldon Cemetery and ground mounted photovoltaics – **EIA not required.**
- **25/00595/SCR** - EIA Screening opinion request for 25/00578/OUTM (Outline application with all matters reserved, except for access, for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery,

drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Avenue and London Road, and associated infrastructure works). **EIA not required.**

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	<p>15.07.2025 &amp; 21.10.2025 Object:</p> <ul style="list-style-type: none"> <li>Traffic and transport concerns, including the proposed roundabout slowing traffic on the A414.</li> <li>Overdevelopment of the site. Proximity to the Cemetery.</li> <li>Sensitive rural location outside of the defined settlement boundary.</li> <li>Adverse effects on existing infrastructure capacity.</li> <li>Inadequate vehicular, pedestrian/cycle and emergency access from and to the site.</li> <li>Loss of prime agricultural land. Detrimental effect on local wildlife habitat as identified in the Ecological Report.</li> <li>Contrary to policies D1, D3, H4, N2, S1, S2, S3, S8, T1 and T2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.</li> </ul>	<p>Addressed at section 5.1</p> <p>Addressed at sections 5.5 &amp; 5.7</p> <p>Addressed at sections 5.1, 5.2, 5.9 and 5.13</p> <p>Addressed at section 5.1</p> <p>Addressed throughout the report</p>
Chelmsford City Council (CCC)	No objection – CCC welcomes the comments made by Active Travel England in relation to accessibility. Such measures may help to reduce/mitigate any increases in traffic on the A414 to the east of CCC's administrative area.	Noted.
Woodham Mortimer and Hazleigh Parish Council	<ul style="list-style-type: none"> <li>Significant number of dwellings already built or approved in the Wycke Hill South Maldon Garden Suburb area.</li> <li>No proposed medical facilities, schools, or enhanced public transport to support continued growth.</li> <li>Existing road network likely to become gridlocked; lack of Maldon</li> </ul>	Noted addressed at the relevant sections of the report.

Name of Parish / Town Council	Comment	Officer Response
	bypass exacerbates congestion risks. <ul style="list-style-type: none"> <li>Increased traffic and heavier electric vehicles may strain roads and bridges.</li> <li>Accidents or maintenance on the A12 already cause rat-runs through Maldon; further development will worsen this issue.</li> </ul>	
Heybridge Parish Council	No response received	Noted
Langford and Ulting Parish Council	Object <ul style="list-style-type: none"> <li>Outside the settlement boundary and encroachment into the countryside</li> <li>Loss of agricultural land</li> <li>Impacts on ecology including loss of habitat and disruption to wildlife corridors. It's not been demonstrated how biodiversity gain will be achieved.</li> <li>Poor connectivity to Maldon with the A414 representing a physical barrier.</li> <li>Increase in traffic volumes causing road safety and air quality concerns.</li> <li>Lack of infrastructure and services.</li> <li>Cumulative impact of large-scale developments currently under construction.</li> <li>Premature, unsustainable development.</li> </ul>	Noted addressed at the relevant sections of the report. In terms of the cumulative impacts of development, each application must be assessed on its own merits. However, depending on the stage of existing proposals, these matters are factored into traffic modelling and education / NHS places.
Mundon Parish Council	No response received	Noted
Purleigh Parish Council	No response received	Noted
Woodham Walter Parish Council	Object: <ul style="list-style-type: none"> <li>Lack of education facilities</li> <li>Lack of health facilities</li> <li>Lack of infrastructure</li> <li>Increased traffic could put pressure on village roads.</li> <li>The bypass will be subsumed into developments.</li> <li>Contrary to policies S1, S2, S8, D1 &amp; H4</li> </ul>	Noted addressed at the relevant sections of the report.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England (ATE)	<p><b>25.07.2025</b> – Deferral:</p> <p>The Transport Assessment should include daily walking and cycling trip data, not just peak-hour figures, and that travel plan targets based on 2011 Census data should be supported by more up-to-date sources such as the National Travel Survey. The proposed 33% active travel target is positive but should not be reduced in future reviews and must align with a vision-led approach under the NPPF.</p> <p>The Pedestrian and Cycle Audit is welcomed but lacks sufficient analysis against standards including LTN 1/20, Inclusive Mobility (2022), and the National Design Guide. Routes must be reviewed for safety, directness, and accessibility, with reference to the Maldon LCWIP and Local Plan Policy S1.11.</p> <p>Accessibility is limited, with only a primary school within the 800 m “walkable neighbourhood” threshold and the A414 creating a major barrier to movement. The nearest bus stop is 700 m from the site, exceeding the recommended 400 m distance, and walking routes to public transport require improvement.</p> <p>ATE generally supports the proposed off-site active travel improvements, including Toucan crossings on London Road and the A414, but requests clarification and design enhancements—such as widening footways, improving lighting, addressing surfacing, and ensuring full LTN 1/20 compliance.</p> <p>Improvements are also required along Wycke Hill and at site access points to prioritise pedestrian and cycle safety and discourage use of the A414.</p> <p>The site layout supports active travel connectivity, but further attention should</p>	Addressed at section 5.9

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>be given to linkages with nearby developments, lighting, surveillance, and ensuring paths and play areas are not isolated. Paths, including the link to London Road, should be surfaced for all-weather use.</p> <p>ATE also requests detailed cycle parking proposals that meet both local and national standards, ensuring secure, accessible, and convenient storage for residents and staff.</p> <p>In conclusion, ATE asks the local planning authority to share these comments with the applicant's agent and to seek amendments and additional information before conditions or final wording can be agreed.</p> <p>29.10.2025 – Conditional approval: ATE reviewed the revised submission and Transport Assessment Addendum (Sept 2025). Previous concerns on trip generation, route audits, infrastructure, permeability, and cycle parking have largely been addressed. Key points:</p> <ul style="list-style-type: none"> <li>• Trip Generation &amp; Travel Plan: Daily trip data added; Travel Plan to be refined via condition.</li> <li>• Route Audit &amp; Accessibility: Structured RAG-rated audit provided; A414 severance mitigated; links to LCWIP confirmed.</li> <li>• Infrastructure &amp; Connectivity: Toucan crossings, shared-use paths, and wayfinding improvements accepted; some design preferences outstanding.</li> <li>• Permeability &amp; Placemaking: Internal footpath network and LEAP location confirmed; detailed design at reserved matters stage.</li> <li>• Cycle Parking: Compliance with LTN 1/20 assured at reserved matters stage.</li> </ul> <p><u>Overall:</u> ATE recommends conditional approval, with draft planning conditions covering Travel Plan, walking/cycling</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	infrastructure, access points, lighting, and cycle parking.	
Local Highway Authority	<p><u>Access and Connectivity:</u></p> <ul style="list-style-type: none"> <li>Development includes a new roundabout junction on the A414 (north of Spital Road) which meets highway standards and has been safety audited. Walking and cycling access will be provided via new signalised crossings and improved footway/cycleway links to London Road and the A414, plus additional crossings near Spital Road and Maldon Hall Farm. A new northbound bus stop with enhanced facilities is proposed.</li> </ul> <p><u>Transport Assessment:</u> Original assessment supplemented by an Addendum with improved capacity modelling. Despite minor data errors, the Highway Authority is satisfied there will be no severe impact on highway safety or efficiency under NPPF criteria.</p> <p><u>Conditions and Requirements:</u></p> <ul style="list-style-type: none"> <li>Construction Management Plan to control access, routing, parking, loading, and wheel washing during works.</li> <li>Delivery of roundabout access and all footway/cycleway links as shown in approved drawings.</li> <li>Provision of three new signalised crossings and associated safety measures.</li> <li>Bus stop improvements and new facilities on A414.</li> <li>Contribution of £850,000 (index linked) towards public transport enhancements.</li> <li>Potential Traffic Regulation Order to extend 40mph speed limit north of site access.</li> <li>Residential Travel Plan with annual monitoring fee and Travel Information Packs for all dwellings.</li> </ul> <p><u>Overall:</u> Highway Authority considers the</p>	Addressed at section 5.9



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	proposal acceptable subject to the above conditions, ensuring safe access and promoting sustainable transport.	
Archaeology	<p>An archaeological desk-based assessment, accompanied by a geophysical survey, aerial photographic survey, lidar survey and geoarchaeological survey has been submitted. This has identified that there are surviving archaeological features on site. The majority of these appear to be medieval or post-medieval features related to the agricultural landscape associated with the medieval moated complex at Maldon Hall. There are however a number of other features identified by the geophysical surveys and the aerial photographic surveys that as yet remain undated. In addition, the desk-based assessment has identified the proximity of the site to the known archaeological features of prehistoric, Roman and Saxon date on the top of Maldon hill and on its slopes.</p> <p>Archaeological deposits are both fragile and irreplaceable. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.</p>	Addressed at section 5.13
Essex Police & Designing out Crime	<p><u>Strategic Planning Team:</u> Provided Essex Police considerations to development and infrastructure change.</p> <p>Essex Police designing out crime emphasise that the development should incorporate safe, inclusive open spaces, secure dwellings and cycle storage, and safe road layouts following a "Safe System Approach" to ensure emergency access.</p> <p>Landscaping, public areas, lighting, parking, and EV charging points should be designed to minimise crime opportunities and maintain clear sightlines, with discussions on management and maintenance.</p> <p>They recommend adopting Secured by</p>	The condition has been included and addressed at section 5.13

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Design Homes standards to maximise crime prevention, in line with the NPPF and Essex Design Guide.</p> <p>28.10.2025 The Essex Police Designing Out Crime Team would request that crime is considered a material consideration and repeat the recommendations made in our earlier planning comment response (submitted 17th July 2025) and upon further consideration, given the significant and ongoing growth in the area, would requests a Planning Condition stipulating engagement with the Essex Police Design Out Crime team, together with the aim of achieving the applicable Secured By Design (SBD) for this development..</p>	
Essex Police – Strategic Change	<p>Essex Police has provided a document outlining policing priorities and initial considerations for development and infrastructure proposals as part of their strategic planning role.</p> <p>Crime prevention and Secured by Design comments will be submitted separately by the Designing Out Crime Officer (DOCO).</p> <p>Essex Police welcomes ongoing engagement to ensure policing perspectives are incorporated, including operational impacts, road traffic management, crime prevention, and infrastructure strategies.</p>	Noted
Anglian Water Services	<p><u>Wastewater Treatment:</u></p> <ul style="list-style-type: none"> <li>Maldon WRC (Water Recycling Centre) can accommodate the flows from the proposed growth.</li> </ul> <p><u>Use Water Network:</u></p> <ul style="list-style-type: none"> <li>The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</li> </ul> <p><u>Surface Water Disposal:</u></p>	Addressed at section 5.13

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	The proposed method of surface water management does not relate to Anglian Water operated assets.	
Cadent Gas Network	Suggested informative to ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.	Noted
Climate and Planning Unit	No response received	Noted
Campaign to Protect Rural England	No response received	Noted
UK Power Network	No response received	Noted
Essex Bridleways	In line with paragraph 105 of the NPPF considering should be given to enhancing the public footpath to a multi user pathway to enable cyclist, rides and pedestrians to use the equitably.	This has not been included as a requirement as the statutory consultees have not raised it and given the scale of the proposal.
Essex Housing Growth Officer	No response received	Noted
Education	<p>As no mix has been advised, assumed the mix will be houses of 2 or more bedrooms. This would generate a need for 24.7 Early Years places, 82.5 Primary School places and 55 Secondary School Places.</p> <p><u>Early Years:</u> 9 unfulfilled places were recorded in the area, but there is still insufficient provision to meet this additional demand. Contribution is therefore, required.</p> <p>A contribution of £506,138 index linked to Q1 2025 is sought equating to £20,450 per place.</p> <p><u>Primary:</u> Even when considering the full operating capacity of the new school at Limebrook Way, it is not anticipated that there will be sufficient unfilled places to accommodate 275 new homes.</p> <p>A contribution of £1,687,125 index linked to Q1 2025, is sought equating to £20,450 per place.</p>	Addressed at section 5.1

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><u>Secondary Education:</u> Forecasts set out in the Ten-Year Plan demonstrate a sustained need for more capacity in the area. 60 places will be added to Plume school.</p> <p>The demand generated would require the creation of 55 new places. A contribution of £1,546,985 index linked to Q1 2025, is sought equating to £28,127 per place.</p> <p><u>Post 16 education:</u> A contribution is not currently required. An Employment Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.</p> <p><u>School Transport:</u> All Saints Maldon CE (VC) Primary School and Plume School are walkable if infrastructure is put in place to link up with the existing footpath opposite Maldon Cemetery on London Road. No contribution is required.</p> <p><u>Libraries:</u> A developer contribution of £21,395 (£77.80 per unit) is considered necessary to improve, enhance and extend the facilities and services provided to expand the reach of the mobile library and outreach services.</p> <p><u>Monitoring Fees:</u> £700 per obligation (financial or otherwise)</p> <p><u>Employment and Skills:</u> Developers should provide an Employment Skills Plan.</p> <p>The contributions have been considered in connection with the CIL (Community Infrastructure Levy) Regulations 2010 (as amended) and are CIL compliant.</p>	
Lead Local Flood Authority (SuDS)	<b>22.07.2025:</b> Holding objection requiring the following:	Addressed at section 5.13

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Please clarify that the long-term storage basins will be online.</li> <li>• Please clarify which catchments will discharge to which discharge location.</li> <li>• Please clarify that the existing ponds outside the site boundary which is proposed to receive flows from the site has capacity for all surface water. Please clarify who has ownership of the ponds and how long term security will be provided.</li> </ul> <p>05.09.2025: No objection subject to conditions requiring a surface water drainage scheme and maintenance details, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.</p> <p>09.10.2025 As there does not appear to be any updated drainage information submitted, our previous formal response dated 5th September 2025 still stands.</p>	
Essex County Fire and Rescue	<p>09.10.2025 <u>Fire Service Access:</u> Access requirements under Essex Act 1987 (Section 13) noted. Insufficient detail at this stage to confirm compliance; further review required when individual plot layouts are available. Compliance with ADB B5 Section 15 expected. Key appliance requirements: minimum turning circle 17.8m and carrying capacity 18 tonnes.</p> <p><u>Building Regulations:</u> Responsibility lies with the applicant to comply. Consultation with Fire Authority will occur via Local Authority Building Control or Approved Inspectors under relevant regulations.</p> <p><u>Water Supplies:</u> Additional firefighting water supplies may</p>	These matters can be shared by way of an informative.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>be necessary; applicant advised to liaise with ECFRS Water Section.</p> <p><u>Sprinkler Systems:</u> ECFRS strongly recommends considering Automatic Water Suppression Systems (AWSS) even where not mandatory, as they significantly reduce fire risk and property loss and can support design flexibility.</p>	
Historic England	No comments.	Noted
Natural England	<p><b>25.07.2025:</b> Without suitable mitigation, the proposed development would likely:</p> <ul style="list-style-type: none"> <li>• Adversely affect the integrity of the Blackwater Estuary SPA and Ramsar site, and the Essex Estuaries SAC.</li> <li>• Damage or destroy features of interest within the Blackwater Estuary SSSI.</li> </ul> <p>To make the development acceptable, Natural England recommends securing the following mitigation:</p> <ul style="list-style-type: none"> <li>• Payment of the RAMS tariff through a legal agreement (UU (Unilateral Undertaking)/S106), as detailed in the shadow HRA (Habitats Regulations Assessment).</li> <li>• Amended HRA Appropriate Assessment to consider the project alone, with mitigation through: <ul style="list-style-type: none"> <li>• On-site greenspace provision and long-term maintenance, secured via a Landscape and Environmental Management Plan (LEMP) or equivalent.</li> </ul> </li> </ul> <p>They also advise attaching planning conditions or obligations to secure these measures.</p> <p>28.10.2025: The advice provided in the previous responses applies equally to the amendment.</p> <p>04.11.2025 Natural England notes that your</p>	Addressed at section 5.10

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitat Regulations Assessment process.</p> <p>Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.</p> <p>Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</p>	
Environment Agency (EA)	<p>31.07.2025 – No objection.</p> <p>The Applicant is required to follow the advice set out by the EA in their comments.</p> <p>28.10.2025 No further comment on the newly submitted information.</p>	Noted an informative should be included to address this.
Essex and Suffolk Water	<p><u>Network Capacity &amp; Connections:</u> Domestic connections will be provided in line with legal obligations; non-household connections are not guaranteed. Previous enquiry (July 2023) has expired developer must submit a new pre-planning enquiry to confirm capacity and any required upgrades. Further discussion on build profiles and timings requested.</p> <p><u>Construction Water Supply:</u> Developer must demonstrate how water for construction will be sourced, including temporary supply arrangements, ensuring no adverse impact on existing infrastructure.</p>	This information can be shared by way of an informative

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><u>Water Efficiency:</u> Current design meets Building Regulations target (110 l/p/d) but Essex &amp; Suffolk Water encourages adoption of regional standard (85 l/p/d) for sustainability. Early years facilities should achieve BREEAM 'Excellent' for water efficiency.</p> <p><u>Landscaping:</u> Proposed scheme should include drought-resistant planting and efficient irrigation systems to support climate resilience and water conservation.</p>	
Essex Wildlife Trust	No comments received	Noted
Green Infrastructure	<p>24.07.2025: No objection – Supports the production of a Construction Environmental Management Plan (CEMP), a Habitat Management and Monitoring Plan and Landscape Ecological Management Plan (LEMP) and should be included as conditions.</p> <p>The inclusion of a Green Infrastructure Parameter Plan and a Design and Access Statement showing the site's design evolution is welcomed. The proposal retains key landscape features such as oak trees, hedgerows, and woodland belts, with strong peripheral buffers to enhance green infrastructure and connectivity. The scheme also includes active travel routes linking the site's northern and southern residential areas to existing town centre routes. The Biodiversity Gain Statement forecasts a 10.47% net gain in habitat units and a 33.19% gain in hedgerow units no gain for watercourse units. No offsite proposals are judged necessary.</p> <p>28.08.2025 Having reviewed the additional SuDS information from the applicant which relate to ECC LLFA comments, relating to some unknowns, we are assured of control over the GI assets embedded in the SuDS strategy, as all integral elements are under one ownership and</p>	Addressed at section 5.12



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>management.</p> <p>23.10.2025 The changes relate to a deviation in red line boundary to suit highway requirements. The additional area encompasses additional trees and hedgerow within the site area. We would encourage retention of this existing vegetation as good green infrastructure and providing connectivity within the revised GI Parameter Plan.</p>	
The Maldon Society	<p>24.07.2025: A public consultation on the proposal generated over twenty written submissions and a similar number of oral comments, with the majority strongly opposing the development and a small number in favour or seeking mitigation of its impacts.</p> <p>Respondents' objections are summarised under twelve main points:</p> <p><u>Transport/cars:</u> Maldon's roads are congested; more houses would worsen traffic, noise, and air quality. Suggestions that the traffic data is inaccurate.</p> <p><u>Access:</u> Distances to the town centre are greater than claimed, making walking and cycling unlikely, increasing road pressure.</p>	Addressed at section 5.9
	<p><u>Other infrastructure:</u> Existing GPs, schools, and health facilities are inadequate; the development would exacerbate strain.</p>	Addressed at section 5.1 and 5.13
	<p><u>Design:</u> Concerns over housing quality, density, height, and affordable housing provision, though overall density is relatively low.</p>	<p>Addressed at section 5.4</p> <p>Amenity and layout will be considered at the Reserved Matters stage.</p>
	<p><u>Nursery:</u> Proposed land for a nursery is viewed sceptically; some suggest other uses (e.g., health facilities) would be more beneficial.</p>	Addressed at section 5.1

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><u>Farmland</u>: Some respondents want the land preserved for agriculture.</p> <p><u>Environment &amp; Landscape Harm</u>: Development would harm the local environment and landscape, though a small number note potential biodiversity gains.</p> <p><u>Settlement boundaries</u>: The site lies outside the town boundary, risking loss of Maldon's character.</p> <p><u>Population Growth</u>: Some fear overpopulation or homes being bought to house outsiders; a few argued in support for younger residents to support local services.</p> <p><u>Actual housing need</u>: Questions over the genuine need for new homes, given slow progress on nearby sites.</p> <p><u>Cemetery</u>: Proximity to the new development could disturb existing graves and the cemetery's character; the proposed extension is viewed sceptically.</p> <p><u>Other concerns</u>: Existing permissions nearby should be prioritised; fears over developer motives, inadequate community engagement, and the imbalance between developer resources and local input.</p> <p>Overall, the consultation strongly objects to the proposal.</p>	<p>Addressed at section 5.1</p> <p>Addressed at sections 5.5 and 5.6</p> <p>The demographic of people choosing to buy homes in the district is not a material planning consideration. It has been demonstrated that the development could provide the necessary mitigation and financial contributions to secure the necessary infrastructure to secure the growth.</p> <p>Addressed at section 5.1</p> <p>Addressed at section 5.3</p> <p>Addressed at section 5.7</p> <p>Noted addressed at the relevant sections of the report. In terms of the cumulative impacts of development, each application must be assessed on its own merits. However, depending on the</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>23.10.2025</p> <p>Accordingly, all of the remarks from our July '25 submission remain extant, and the Maldon Society remains strongly against this proposal.</p>	<p>stage of existing proposals, these matters are factored into traffic modelling and education / NHS places.</p> <p>Noted</p>
NHS	<p>Capacity Issues:</p> <ul style="list-style-type: none"> <li>Existing GP practices within 2km of the site (Blackwater Medical Centre and Longfield Medical Centre) are already operating above recognised capacity standards, with a combined GP/patient ratio of 1:2,805 and a floorspace deficit of 937m<sup>2</sup>.</li> </ul> <p>Impact of Development</p> <ul style="list-style-type: none"> <li>The proposed 275 dwellings would generate approximately 660 new residents, further increasing demand on already constrained primary healthcare services.</li> </ul> <p>Healthcare Needs &amp; Mitigation</p> <ul style="list-style-type: none"> <li>Additional floorspace required to support this growth is calculated at 45.2m<sup>2</sup>, with an estimated capital cost of £192,600. ICS requests this sum be secured via a Section 106 planning obligation to fund extensions, reconfiguration or relocation of premises to increase capacity.</li> </ul> <p><u>Conclusion:</u> Without mitigation, the development would impose an unsustainable burden on local healthcare provision. The requested contribution is considered consistent with NPPF policy tests for planning obligations.</p>	Addressed at section 5.13
Ramblers Association	<p>No objection:</p> <ul style="list-style-type: none"> <li>Regard should be had to the 2015 refused application.</li> <li>Footpaths should remain safe during</li> </ul>	The 2015 permission has been considered and was of a larger scale, with more uses

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>and after construction, kept separate from construction and future traffic, meet accessibility standards, and include safe road crossings.</p> <ul style="list-style-type: none"> <li>Connectivity between existing paths and “through routes” must be maintained, avoiding significant increases in walking distances.</li> <li>Landscaping and tree screens should preserve the enjoyment of the paths, supporting the Council’s tourism strategy and anticipated increase in walkers, so views of the new development do not detract from the walking experience.</li> </ul>	<p>proposed. It is not directly comparable and was more harmful than this proposal.</p> <p>An informative can be included in relation to the footpath as the Public Right of Way network is protected by the Highways Act 1980, as noted in the Local Highway Authorities response.</p> <p>Landscaping will be agreed as part of the Reserved Matters stage.</p>
Royal Society for the Protection of Birds (RSPB)	No response received	Noted
Sport England	No detailed comments have been provided but signposts to general planning guidance.	Noted

### 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Ecology (Place Services)	<p>10.09.2025: <u>Holding objection:</u> There is not sufficient ecological information available for determination of this application and it is recommended that further details on On-site visitor management measures to avoid recreational disturbance impacts upon coastal Habitats sites are required, as well as Priority species (Skylark).</p> <p>In addition, there is insufficient information with regard to mandatory biodiversity net gains.</p> <p>22.10.2025 The Ecological Impact Assessment (BSG Ecology, June 2025) and Shadow Habitats Regulations Assessment (June 2025) have been reviewed, along with biodiversity net gain information. Sufficient ecological data is available to</p>	Addressed at section 5.10

Name of Internal Consultee	Comment	Officer Response
	<p>support determination, and impacts can be mitigated to make the development acceptable.</p> <p><u>Mitigation Measures:</u> Measures for badgers, bats, breeding birds and great crested newts must be secured through a Construction Environmental Management Plan (CEMP). External lighting should follow Guidance Note 8 (ILP, 2023) to minimise impacts on bats.</p> <p><u>Farmland Birds:</u> A mitigation strategy for Skylark should be included within a farmland bird compensation plan and secured by condition.</p> <p><u>Biodiversity Net Gain (BNG):</u> Submitted baseline and assessment are supported. A Biodiversity Gain Plan must be provided prior to commencement, including metric calculations, habitat plans, legal agreements and monitoring. For phased development, an overall and phase-specific BNG plan will be required. Significant on-site enhancements should be managed and monitored for up to 30 years via planning obligation or condition.</p> <p><u>Enhancements:</u> Additional biodiversity enhancements recommended, including integral bat and bird boxes (for priority species), bee bricks and hedgehog-friendly fencing. These should be secured through a Biodiversity Enhancement Strategy.</p> <p><u>Habitats Regulations &amp; RAMS:</u> The site lies within the Zone of Influence for designated coastal sites. On-site mitigation measures (informal open space, circular walking routes) are considered adequate to avoid adverse effects, subject to agreement of further measures. A financial contribution (£169.45 per dwelling) towards Essex Coast RAMS visitor management must be secured by planning obligation.</p> <p><u>Conclusion:</u> Impacts can be minimised and the proposal made acceptable subject to conditions securing mitigation,</p>	

Name of Internal Consultee	Comment	Officer Response
	biodiversity net gain, enhancement measures, and compliance with Habitats Regulations.	
Housing Department	<p><b>21.07.2025:</b> The Applicant proposes 70% Affordable Rent / 30% Intermediate Affordable, based on Affordable Housing &amp; Viability SPD (2019). However, the Local Housing Needs Assessment (LHNA) 2021 provides more up-to-date evidence and identifies preferred mix as:</p> <ul style="list-style-type: none"> <li>• 75% Affordable/Social Rent</li> <li>• 25% Intermediate Affordable</li> </ul> <p>The LHNA 2021 carries more weight than SPD 2019. Therefore, Housing will support conditional on applicant confirming 75%/25% tenure split, which better meets local housing needs.</p> <p>Strategic Housing welcomes further discussions on the location, size, and tenure of affordable units as the application progresses.</p> <p>15.10.2025</p> <p>Following the implementation of the Local Housing Needs Assessment 2025, Strategic Housing Services would like to provide the following update:</p> <p>The Local Housing Needs Assessment 2025 (LHNA 2025) states an Affordable Tenure split of 70% Affordable Rented and 30% Intermediate Affordable which the Applicant have advised they will provide, (Affordable Housing Statement – P1 – 1.5). The LHNA 2025 also states the need to consider in the 70% rented and higher proportion of Social Rented properties.</p> <p>If this proposal is granted Planning Approval, Strategic Housing Services would welcome further discussion with the Applicant with regards to the mix, tenure and sizes of the affordable properties as per Policy H1 of the Local Development Plan/LHNA 2025</p>	Addressed at section 5.4
Urban Design	<p>30.07.2025: Links to local facilities and services within the site and the wider green infrastructure network must be designed</p>	Addressed at section 5.5, 5.6 and 5.9

Name of Internal Consultee	Comment	Officer Response
	<p>in and planned for via Active Travel modes and sustainable modes of public transport.</p> <p>The applicant should be aware of using 2021 census data relating to transport and travel and recent traffic counting/baseline data/public consultation within a hierarchy of strategies, plans and tools:</p> <ul style="list-style-type: none"> <li>• ECC's emerging Local Transport Plan 4 (LTP4) (Part 1 publicly consulted upon Summer 2024) taking account of regional and national transport policy (Transport East Strategy, Road to Zero, Gear Change, Bus Back Better etc). Part 2 LTP4 expected Summer 2025.</li> <li>• Maldon District Future Transport Strategy, ECC, February 2025 (MDFTS) as local transport strategy that sits below LTP4.</li> <li>• Maldon and Heybridge Local Cycling and Walking Infrastructure Plan, ECC, March 2025 (M&amp;H LCWIP) for settlements over 20k population (Maldon and Heybridge populations combined as a geographic centre) i.e. their close geographic locations.</li> <li>• Essex Strategic LCWIP, ECC, 2025 strategic cycle links joining population centres</li> <li>• DfT Connectivity Tool, June 2025 – MDC piloted the tool as a small coastal, rural authority and tested it against emerging growth options via the LDP Review.</li> </ul> <p>The proposal includes a vehicular access via a new roundabout on the A414 Northern Bypass, which could intrude on the existing landscaped edge of Maldon and potentially affect the Clean Air Route for Market Hill, with technical details are deferred to ECC Highways.</p> <p>A shared-use walking, cycling, and wheeling route is proposed via Wycke Hill and through Maldon Cemetery with a signalised crossing, also subject to</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>technical review. The development should prioritise active and sustainable travel to connect residents to local facilities, including the SMGS Local Centre, in line with Active Travel England guidance, Essex transport data, and national policy.</p> <p>Parameter plans for land use, density, building heights, and green/blue infrastructure are acknowledged, with no current concerns at the outline stage, but green infrastructure must ensure connectivity and accessibility across the site.</p> <p>The applicant must provide up-to-date transport and travel evidence to demonstrate compliance with LDP policy, NPPF guidance, and ECC infrastructure requirements before a recommendation can be made.</p> <p>23.10.2025 Previous concerns (July 2025) remain relevant; main amendments relate to ECC Highways and LVIA matters.</p> <p>Infrastructure Context:</p> <ul style="list-style-type: none"> <li>• North Heybridge Garden Suburb Relief Road (NHGS RR) opened October 2025, as required by the Infrastructure Delivery Plan (IDP) supporting LDP Strategic Policies S2, S3, S4.</li> <li>• South Maldon Relief Road (SMRR) is still outstanding and integral to delivering strategic growth at South Maldon Garden Suburb (Sites S2a, S2b, S2c).</li> </ul> <p>Access &amp; Strategic Growth:</p> <ul style="list-style-type: none"> <li>• Application must not prejudice or delay delivery of LDP strategic allocations or Garden Suburbs.</li> <li>• Wider landholding MAL/HY15 (850 homes) should ideally integrate with Site S2b and SMRR rather than piecemeal development of 275 homes.</li> <li>• Collaboration between landowners, developers, and infrastructure providers is recommended to plan access and</li> </ul>	<p>There is no evidence to suggest that the site will prejudice the delivery of the garden suburbs, especially given their advance stages.</p>



Name of Internal Consultee	Comment	Officer Response
	<p>movement comprehensively.</p> <p>Transport &amp; Active Travel:</p> <ul style="list-style-type: none"> <li>• Safe, direct walking and cycling routes and enhanced bus services are essential.</li> <li>• Developer contributions should align with Maldon District Future Transport Strategy, LCWIP, and regional plans (Transport East Strategy, ECC Transport Plan 4).</li> </ul> <p>Recommendation:</p> <ul style="list-style-type: none"> <li>• Encourage strategic, coordinated approach to access and infrastructure delivery for MAL/HY15 in line with LDP policies, IDP, SPD, and endorsed Design Codes.</li> </ul>	<p>Addressed at section 5.5, 5.6 and 5.9</p>
Principal Conservation and Heritage Officer	<p><b>18.08.2025:</b></p> <ul style="list-style-type: none"> <li>• Harm will be caused to the significance of Headland Barn (Grade II listed) through the urbanisation or its agricultural setting. Harm would be limited by the established, intervening vegetation and would be mitigated by supplementary planting. Dwellings nearest the listed barn would be single storey. Choice of materials, detailing and boundary treatments would need to be carefully managed.</li> </ul> <p>Level of harm to Headlands Barn would be low level 'less than substantial harm'.</p> <p>Development would result in changes to part of the setting of the cemetery but would cause limited harm to its significance as a non-designated heritage asset. The ability to appreciate the cemetery's local architectural and historic interest would be largely unaffected.</p> <p>Degree of harm to the Cemetery would be limited</p> <p>The considerable public benefits should outweigh the harm identified.</p> <p>If Outline permission is granted, the</p>	<p>Addressed at section 5.7</p>

Name of Internal Consultee	Comment	Officer Response
	layout, form, style, materials, detailing and boundary treatments will need to be sympathetically designed at the Reserved Matters Stage.	
Arboriculture (Place Services)	<p>No objection: The new site access from the A414 on the eastern boundary will result in a significant Arboricultural impact in the short term.</p> <p>Submitted proposals indicate the positioning of green infrastructure immediately north of the proposed access, allowing the establishment of new tree planting in mitigation for that lost.</p>	Addressed at section 5.13
Environmental Health	<p>The Phase I and II site investigations are considered satisfactory with no further land contamination concerns.</p> <p>The air quality assessment indicates no significant impacts, with dust control during construction managed via a CEMP.</p> <p>Noise assessments show some dwellings may exceed internal guideline levels, requiring alternative ventilation and reliance on a 3 m acoustic barrier and 1.8 m fences, with conditions recommended to secure these measures.</p> <p>Substations and battery storage are potentially acceptable, but a more detailed noise assessment is advised once locations and specifications are confirmed.</p> <p>Conditions are recommended to address noise and mitigation measures.</p>	Addressed at section 5.13

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

7.4.1 In excess of **100** letters have been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p>Highways, Traffic &amp; Congestion:</p> <ul style="list-style-type: none"> <li>Existing roads (A414, Spital Road, London Road, Market Hill) are already congested.</li> <li>proposed roundabout and new junction will worsen congestion and slow traffic; increased risk of rat running.</li> <li>cancellation of A12 upgrade and Maldon Relief Road compounds traffic issues; insufficient public transport provision.</li> </ul>	Addressed at section 5.9
<p>Infrastructure &amp; Services:</p> <ul style="list-style-type: none"> <li>GP surgeries, dentists, and hospitals overstretched.</li> <li>schools at capacity.</li> <li>no clear mitigation or funding for increased demand.</li> <li>sewage, drainage, and waste disposal systems under pressure</li> <li>lack of amenities within walking distance.</li> </ul>	Addressed at sections 5.1, and 5.13
<ul style="list-style-type: none"> <li>Overdevelopment &amp; Settlement Boundary: Site lies outside Maldon's defined settlement boundary and is not allocated for housing in the Local Development Plan (Policy S8).</li> <li>cumulative impact of rapid expansion unsustainable.</li> </ul>	Addressed at sections 5.1, 5.2, 5.5 and 5.6
<ul style="list-style-type: none"> <li>Loss of Agricultural Land &amp; Food Security: Development would result in loss of Grade 3/3a farmland, classified as best and most versatile.</li> <li>concerns about national food security and loss of productive arable land.</li> </ul>	Addressed at section 5.1
<p>Ecology, Biodiversity &amp; Landscape:</p> <ul style="list-style-type: none"> <li>Harm to wildlife habitats (skylarks, yellowhammers, hedgehogs, lizards, bats, deer, insects)</li> <li>loss of hedgerows, trees, and open farmland; negative impact on biodiversity and ecological networks.</li> </ul>	Addressed at section 5.10

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• visual and landscape harm.</li> <li>• loss of green space and public footpaths.</li> <li>• light and noise pollution.</li> </ul>	
<ul style="list-style-type: none"> <li>• Impact on Cemetery &amp; Heritage Assets: Development adjacent to Maldon Cemetery.</li> <li>• loss of peace and tranquillity for mourners.</li> <li>• concerns about disrespect to bereaved families.</li> <li>• risk of antisocial behaviour.</li> <li>• impact on listed buildings and archaeological sites.</li> </ul>	Addressed at section 5.7
<p>Flooding, Drainage &amp; Groundwater:</p> <ul style="list-style-type: none"> <li>• Site sits on an artesian basin.</li> <li>• risk of uncontrolled water flow, subsidence, and contamination.</li> <li>• existing drainage and sewerage systems inadequate.</li> <li>• lack of clear provisions for managing groundwater and surface water.</li> </ul>	Addressed at sections 5.11 and 5.13
<p>Unsustainable Development &amp; Poor Connectivity.</p> <ul style="list-style-type: none"> <li>• Poor cycle and pedestrian links.</li> <li>• promotes car dependency.</li> <li>• no direct rail access.</li> <li>• limited public transport.</li> <li>• poor access to jobs and services; lack of amenities beyond a nursery.</li> </ul>	Addressed at sections 5.1 and 5.9
<p>Housing Mix &amp; Affordability:</p> <ul style="list-style-type: none"> <li>• Proposed mix does not address local need for genuinely affordable rented accommodation.</li> <li>• concerns about imbalance in housing provision and lack of supply for local people.</li> </ul>	Addressed at sections 5.3 and 5.4
<p>Cumulative Impact &amp; Policy Conflicts:</p> <ul style="list-style-type: none"> <li>• Cumulative effect of recent and proposed developments not adequately assessed.</li> <li>• contravenes multiple policies in the Maldon District Local Development Plan (D1, D3, H4, N2, S1, S2, S3, S8, T1, T2) and National Planning Policy Framework.</li> </ul>	Addressed at section 5.2

Objection Comment	Officer Response
<p>Other Concerns:</p> <ul style="list-style-type: none"> <li>• Loss of privacy and increased overlooking for neighbouring properties.</li> <li>• negative impact on mental health and wellbeing.</li> <li>• lack of community engagement and transparency.</li> <li>• potential legal issues regarding land covenants and cemetery extension.</li> </ul>	<p>Addressed at sections 5.1, 5.8 and 5.13.</p> <p>The Council has given the required notice of the application in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>Land covenants are not a planning consideration.</p>

7.4.2 1 letter has been received **in support** of the application.

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Addressing the housing shortage requires building new homes or repurposing existing buildings, and every unit contributes positively.</li> <li>• Notes that increased population could strengthen the case for improved local healthcare facilities.</li> <li>• Suggests gardens and open spaces within the development offer better biodiversity benefits compared to existing agricultural monoculture.</li> <li>• Observes that noise from the bypass may be reduced by traffic calming at the proposed access roundabout.</li> </ul>	<p>Noted.</p>

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

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

#### Affordable Housing

In order to meet the requirements of Policy H2 the following is being secured:

- 40% on site affordable housing with a tenure mix of 75% affordable rent and 25% intermediate
- 5% of market and 10% of affordable homes to be provided to M4(3) standards.

- 80% of dwellings to be provide to M4(2) standards
- the gross costs of the affordable units (rent / service charge) will be within MDC's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England
- an Affordable Scheme detailing tenure, cost, allocation of units
- the Affordable units are required to meet Nationally Described Space Standards

#### Education & Libraries

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £506,138
- Primary Education - £1,687,125
- Secondary Education - £1,546,985
- Libraries - £21,395
- Monitoring fee - £700 per obligation

Whilst ECC have requested these figures, officers are aware that as the exact housing mix has not yet been secured. Therefore, the exact contribution cannot be confirmed until the Reserved Matter stage which will secure the specific unit mix. Therefore, the S016 will be expected to secure the contribution in line with the 'Essex County Council's Developers Guide to Infrastructure Contributions' in terms of the amount per place and the child yield calculator, for early years, primary and secondary education contributions.

#### Highways

A financial contribution of £850,000 is sought to improve public transport links between the site and key attractors in and around Maldon, Heybridge and the local area.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

A Traffic Regulation Order to extend 40mph speed limit north of site access

#### NHS Contribution

A financial contribution of £192, 000 towards local healthcare improvements

#### Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £45,598.75.

#### Open Space

On site Open space maintenance

#### On site Biodiversity Net Gain

Managing and Monitoring for significant on-site enhancements

#### Green Infrastructure (GI)

Arrangements for funding and managing management company services for the lifetime of the development to ensure the ongoing maintenance of GI assets and green spaces.

### Monitoring fees

Monitoring fees associated with the S106 agreement.

## **PROPOSED CONDITIONS**

### Reserved Matters

1. The development shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping and layout of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

REASON: The application does not give particulars sufficient for consideration of the reserved matters.

### Time Limit

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

### Approved plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing 8790\_306\_E Green Infrastructure Parameter Plan
- Drawing 8790\_305\_D Building Heights Parameter Plan
- Drawing 8790\_304\_E Density Parameter Plan
- Drawing 8790\_301\_D Land Use Parameter Plan (excluding the siting of nursery land, which shall be agreed as part of the layout reserved matters)
- Drawing 8790\_200\_B Site Location Plan
- Drawing 001 Topographical Survey
- Drawing 006-002-Maldon\_TS01\_S1 Topographical Survey Sheet 1 of 6
- Drawing 006-002-Maldon TS01\_S4 Topographical Survey Sheet 4 of 6
- Drawing 227074/PD15 C Proposed Shared Use Route
- Drawing 000312-SLR-HGN-A414-CH-DR-0101 P04 General Arrangement
- Drawing 227074/PD02.2 Rev C London Road Proposed Crossing to Pedestrian and Cycle Access Visibility Assessment
- Drawing 227074/PD02.3 A London Road Proposed Toucan Crossing
- Drawing 227074/PD15.2 A A414 Shared Use Route
- Drawing 227074/PD15.1 B Spital Road Shared Use Route

- Drawing 000213-SLR-HGN-A414-CH-SK-0001 P02 Site Overview Plan.

**REASON:** To ensure the development proceeds in accordance with the approved plans and to exclude the nursery location shown on the Land Use Parameter Plan, as this location was not considered appropriate.

### Phasing

5. A Phasing Plan for the entire development shall be submitted to the Local Planning Authority for approval at the same time as the first reserved matters application.

The Phasing Plan shall include:

- The sequence of construction and occupation of dwellings;
- The timing of provision of roads, footways, cycleways, drainage, public open space, landscaping, and community infrastructure (including the nursery land and cemetery extension land);
- Temporary arrangements for access and services if any infrastructure is delayed.
- The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the development is delivered in a coordinated manner with timely provision of infrastructure and community facilities, in accordance with policies S1, S3, I1 and I2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Nursery Land

6. Details of the land to be safeguarded for nursery provision shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application for layout. The approved land shall be serviced in accordance with the approved Phasing Plan and made available for marketing for purposes falling within Class E(f) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), namely “Creche, Day Nursery or Day Centre”, and for no other purpose without the prior written consent of the Local Planning Authority. Evidence of marketing shall be provided to the Local Planning Authority in accordance with the approved Phasing Plan subject to condition 5.

**REASON:** To ensure that land is safeguarded and made available for nursery provision to meet the needs of the development and to enhance the provision of community services and facilities, in accordance with policies S1, S2 E3 and I1 of the approved Maldon District Local Development Plan and in accordance with guidance contained within the National Planning Policy Framework.

### Cemetery Extension

7. The 1.81 ha of land for cemetery extension, as shown on Parameter Plan Land Use Parameter Plan 8790\_301\_ D shall be safeguarded, serviced and made available for transfer to the relevant authority in accordance with the approved Phasing Plan subject to condition 5. The land shall thereafter be retained and made available for cemetery use (sui generis) only, and for no other purpose without the prior written consent of the Local Planning Authority.



REASON: To ensure timely provision of land for cemetery expansion to meet identified community needs, in accordance with policies S1, S2 E3 and I1 of the approved Maldon District Local Development Plan and in accordance with guidance contained with the National Planning Policy Framework.

#### Dwelling mix

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

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

9. The development shall provide affordable housing in clusters of no more than 15 to 25 dwellings in any single part of the site. These clusters must be designed and located to ensure integration with the wider development, including shared access routes, public spaces, and consistent design quality across tenures.

REASON: To ensure affordable housing is integrated within the development and not isolated, in accordance with Policy H2 of the of the approved Maldon District Local Development Plan and the National Planning Policy Framework which seek to promote mixed and balanced communities.

#### Crime Prevention

10. Concurrent with the submission of the first Reserved Matters, a Crime Prevention Strategy shall be prepared in consultation with the Essex Police Designing Out Crime Team and submitted to the Local Planning Authority for approval. The Strategy shall demonstrate how the development will incorporate Secured by Design principles appropriate to the scale and nature of the development. The approved Strategy shall be implemented in full as part of the detailed design proposals.

REASON: To ensure the development creates a safe and secure environment, reducing opportunities for crime and anti-social behaviour in accordance with policies D1 and S1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

#### Maximum Heights

11. The building heights in storeys shall follow the basis set out in the Building Heights Parameter Plan (Drawing 8790\_305 Rev D), with the Proposed Development modelled on the maximum development parameters as follows:

- 6 metres – equivalent to 1 storey buildings
- 9 metres – equivalent to 2 storey buildings
- 11.5 metres – equivalent to 2.5 storey buildings
- 12.6 metres – equivalent to 3 storey buildings

REASON: In the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

### Ground levels

12. Concurrently with the submission of Reserved Matters for layout or landscaping, details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and finished floor levels, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
**REASON:** In the interests of the impact on the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policy D1 of the approved Maldon District Local Development Plan and the policies and guidance contained in the National Planning Policy Framework.

### Materials

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

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

**REASON:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Boundary Treatment

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

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

**REASON:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

### Landscaping

15. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters.

These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed

numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

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

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Tree and Hedge Retention

16. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Highways Construction Management Plan

- 17 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:

- a) vehicle routing
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) wheel and underbody washing facilities

The construction period of the development shall be carried out throughout its duration in accordance with the Construction Management Plan.

REASON: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Site Access – A414 Roundabout

18. Prior to first occupation of the development, the roundabout access on the A414 shall be constructed in accordance with the details shown in principle on Drawing 000312-SLR-HGN-A414-CH-DR-0101 Rev P03 in Appendix E of the Transport Assessment Addendum.

REASON: To ensure safe and controlled access to and from the highway, in the interests of highway safety and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Pedestrian and Cycle access

19. Prior to first occupation, a minimum 3.5-metre-wide footway/cycleway linking the site to London Road to the north shall be provided in accordance with Drawing 001756-SLR-XXX-XXX-SK01 Rev P01 in Appendix C of the Transport Assessment.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

20. Prior to first occupation, the developer shall provide a link from the new footway/cycleway to a new signalised crossing off London Road, including necessary alterations to vehicle restraint barriers and safe cyclist merging arrangements, as shown in principle on Drawing 227074/PD02.3 Rev A in Appendix E of the Transport Assessment Addendum.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity and in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

21. Prior to first occupation, two additional signalised crossings shall be provided:
  - One immediately east of the A414/Spital Road roundabout;
  - One approximately 25–30 metres south of the A414 access to Maldon Hall Farm.

Works shall include removal of existing pedestrian islands and improved crossings at Maldon Hall Farm and West Station Yard junctions, in

accordance with Drawings 227074/PD15 Rev C and 227074/PD15.1 Rev B in Appendix E of the Transport Assessment Addendum.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with Policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

22. Prior to first occupation, a minimum 3 metre wide footway/cycleway shall be provided to link the new A414 crossing to the A414/B1018 Limebrook Way roundabout, in accordance with Drawings 227074/PD15 Rev C and 227074/PD15.2 Rev A.

REASON: To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety, accessibility and amenity, and in accordance with Policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Bus Stop Upgrades

23. At 50% occupation of the site, and as shown indicatively in Drawing 227074/PD15.1 Rev B in Appendix E of the Transport Assessment Addendum, a new bus stop shall be provided on the northbound A414 carriageway south of the proposed signalised crossing, including raised kerbs, bus shelter and flag, real-time passenger information screen, on-road bus cage, and timetable display case. The existing southbound stop shall be upgraded with a new flag, real-time passenger information screen, timetable display case and, unless otherwise agreed in writing, relocated raised kerbs.
- REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Updated Travel Plan

24. Prior to the first occupation of the development, the Developer shall submit in writing an updated residential travel plan to the local planning authority for approval in consultation with Essex County Council. The approved travel plan shall be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. Monitoring of the travel plan shall be undertaken in accordance with the details of the planning obligation which requires a monitoring fee to be provided.
- REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Residential Travel Information Pack

25. Prior to the first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the local planning authority in consultation with Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the local planning authority

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Vehicle Parking

26. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission, including the provision of electric charging points. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Cycle Parking

27. The reserved matters for the approval of layout, appearance and scale shall include details of bicycle and powered two wheel storage facilities for each dwelling.

The bicycle and powered two wheel storage facilities shall be constructed and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies D2 and T2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Amenity Space Provision

28. The reserved matters for the approval of layout and landscaping shall private amenity space for each dwelling in accordance with the requirements of the Maldon District Design Guide SPD.

REASON: To ensure the occupiers of each dwelling has access to an appropriate area of private amenity space in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Public Open Space Provision

29. The reserved matters for the approval of layout and landscaping shall include public open space in broad accordance with the land identified for such purposes on drawings 8790\_306\_E (Green Infrastructure Parameter Plan) and 8790\_301\_D (Land Use Parameter Plan)

REASON: To ensure the occupiers of the site have appropriate access to public open space in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Green Infrastructure Strategy

30. No works shall take place until a detailed Green Infrastructure Strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with a Landscape Specialist.

The Strategy shall demonstrate integration with the Essex Green Infrastructure Strategy, GI standards and ecological context.

Management of Open Space

REASON: To ensure GI and its connectivity are integral to planning/design from the outset, in accordance with Policies N1, N2 and D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

#### Surface Water Drainage Scheme

- 31 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 1:1 Greenfield runoff rates for the 1 in 1 year event, 1 in 30-year storm event will be limited to the 1 in 30-year storm event and the 1 in 100-year rate will be limited to the 1 in 100-year storm event (inclusive of 45% climate change allowance)
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- In accordance with policy D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Scheme to Minimise Off Site Flooding

32. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.  
REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policy D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Maintenance Plan for Surface Water Drainage Scheme

33. Prior to the first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the local planning authority.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with policy D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

34. 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 policy D5 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Ecological Mitigation

35. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BSG Ecology, June 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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



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

#### Farmland Bird Mitigation Strategy

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

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

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

The Farmland Bird Compensation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

REASON: To allow the LPA to discharge its duties under the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Combined Construction Environmental Management Plan

37. A single Construction Environmental Management Plan (CEMP) covering all construction environmental management requirements including biodiversity and Green Infrastructure protection shall be submitted and approved before any development commences.

The CEMP shall include:

- a) Construction site management
  - construction hours
  - delivery hours
  - details of site compounds, offices and welfare facilities
  - temporary lighting (design, lux levels, orientation)
  - contractor parking arrangements
  - materials storage and handling
  - temporary hardstanding's and haul routes
- b) Construction traffic and highways
  - routing of construction vehicles
  - wheel washing and road-cleaning measures
  - loading/unloading arrangements

- access management and signage
- c) Noise and vibration control
  - Best Practicable Means (BPM) under BS5228
  - piling methodology, hours and monitoring
  - vibration mitigation for sensitive receptors
  - plant acoustic measures
- d) Dust and air quality management
  - dust suppression
  - monitoring during high-risk phases
  - protocols for extreme weather
  - emissions control for non-road mobile machinery
- e) Water and pollution prevention
  - surface water and wastewater management
  - pollution control measures and spill response plan
  - protection of SuDS assets during construction
  - storage of fuels, oils and chemicals
- f) Biodiversity and Green Infrastructure protection
  - ecological protection zones and buffers
  - pre-construction checks
  - timing of sensitive works
  - ecological clerk-of-works supervision
  - measures to protect trees, hedgerows and retained vegetation
  - fencing and exclusion areas
  - early delivery of GI framework elements where feasible
- g) Waste and materials management
  - Site Waste Management Plan
  - reuse/recycling protocols
  - waste storage and collection during construction
- h) Contamination protocol
  - procedures for dealing with unexpected contamination
  - monitoring and reporting arrangements
- i) Community liaison
  - contact details for site managers
  - complaints procedure
  - arrangements for informing residents of key construction phases
- j) Plans and drawings
  - site layout plan
  - location of compounds and access points
  - pollution prevention features

- protection/avoidance zones
- lighting layout

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

**REASON:** To minimise construction impacts and to protect and conserve green infrastructure, protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), and in accordance with policies N1 N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Biodiversity Enhancement Strategy

38. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

**REASON:** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF (2024) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Habitat Management and Monitoring Plan (HMMP)

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

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

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

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

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

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

#### Lighting Strategy

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

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

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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Landscape Ecological Management and Maintenance Plan (LEMP)

41. No development shall commence until a Landscape and Ecological Management Plan (LEMP) for all Green Infrastructure (GI), SuDS features and ecological areas within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with relevant landscape, ecology and SuDS specialists.

The LEMP shall cover all soft landscape features and ecological assets, including (where applicable):

- structural planting;

- public open space;
- SuDS features (basins, swales, rain gardens and conveyance routes);
- retained and newly planted hedgerows and trees;
- grassland, meadow and wildflower areas;
- ecological enhancement and habitat creation areas;
- ecological corridors, buffers and riparian zones.

The LEMP shall set out:

a) Description and evaluation

A description of existing and proposed landscape and ecological features, their intended functions, and any constraints affecting their management.

b) Management aims and objectives

Clear aims and measurable objectives for each landscape/ecological component, including:

- delivery and maintenance of Biodiversity Net Gain;
- habitat creation and condition targets;
- long-term sustainability of GI assets;
- integration of SuDS performance and water quality objectives;
- enhancement of ecological connectivity;
- provision of high-quality public open space.

c) Management prescriptions

Practical management measures for achieving the aims and objectives, proportionate to each feature, including:

- grassland cutting regimes;
- hedgerow and tree management;
- maintenance of SuDS vegetation and periodic de-silting;
- invasive species control;
- litter and vegetation management in POS;
- measures to protect new planting during establishment.

d) Work schedule

A schedule of landscape and ecological management operations for a minimum of ten years, including frequency and timing of activities. After the ten-year period, the approved management prescriptions shall continue to apply for the lifetime of the development, unless varied through a revised LEMP approved in writing by the Local Planning Authority.

e) Governance and funding arrangements

Details of long-term management responsibilities and funding mechanisms, including:

- the body or organisation responsible for delivering the LEMP;
- confirmation of long-term funding arrangements;
- procedures for handover from the developer to the management body.

f) Monitoring and remedial measures

A proportionate monitoring scheme, including:

- indicators to be used to assess whether management objectives are being met;
- monitoring intervals;
- procedures for identifying and implementing any necessary remedial measures;
- reporting arrangements to the Local Planning Authority.

The approved LEMP shall be implemented in full, managed and maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure the long-term management, protection and enhancement of Green Infrastructure, landscape features, SuDS and biodiversity assets, in accordance with Policies N1, N2 and D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### LEMP Monitoring.

42. The applicant or any successor in title shall maintain yearly logs of all landscape and ecological management operations carried out in accordance with the approved LEMP. The logs shall be made available to the Local Planning Authority upon request.

REASON: To ensure the site's Green Infrastructure and ecological features continue to be managed and maintained as approved, in accordance with Policies N1, N2 and D1.

#### Archaeology

43. No development or preliminary groundworks of any kind shall take place until:

- Part 1 - A programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the local planning authority's archaeological advisors.
- Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.
- Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the local planning authority.
- Part 5 - The applicant has submitted a post excavation assessment which has been submitted to and approved in writing by the local planning authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
- Part 6 – Suitable provision has been for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the

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

#### Noise Criteria within Dwellings

44. The reserved matters for the approval of layout shall ensure that the following noise criteria are met within residential dwellings:
- 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)

REASON: In the interests of residential amenity accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Acoustic Barrier

45. The reserved matters for the approval of layout shall include details of an acoustic fence that shall be constructed along the eastern boundary of the development site. It shall have a minimum surface density of 10kg/m<sup>2</sup> and a minimum thickness of 25mm. The approved barrier shall be installed prior to occupation of the development and be maintained and retained in its location in perpetuity.

REASON: To ensure the amenities of the future occupiers are not subject to excessive noise and disturbance from activity and passing traffic in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Battery Storage and Noise

46. As part of any reserved matters application for layout and appearance, details of the communal battery storage and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, scale, external appearance, landscaping, and measures to protect residential amenity. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and residential amenity accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Energy Efficiency and Renewable Energy

47. The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling.

The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.

REASON: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the approved Maldon District Local

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

#### Refuse and Recycling

48. The reserved matters for the approval of layout and appearance shall include full details of the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points if necessary.

The bin and recycling stores as approved shall be provided prior to the first occupation of each dwelling and shall be constructed and permanently retained at all times thereafter.

**REASON:** In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

#### Superfast Broadband Strategy

49. No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

**REASON:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with policies S1 and S3 of the approved Maldon District Local Development Plan and paragraph 119 of the National Planning Policy Framework.

### **INFORMATIVES**

#### 1. Biodiversity Net Gain

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

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in



paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

**Application Documents**

As set out in section 3.1.

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

to  
**DISTRICT PLANNING COMMITTEE  
16 DECEMBER 2025**

<b>Application Number</b>	<b>25/00206/OUTM</b>
<b>Location</b>	Land West Of Spratts Farm, Queenborough Road, Southminster, Essex
<b>Proposal</b>	Outline planning application for the demolition of number 46 Queenborough Road and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters to be reserved, except for means of access.
<b>Applicant</b>	Gladman Developments Ltd, DJ Fisher Farms and L&A Barker
<b>Agent</b>	N/A
<b>Target Decision Date</b>	20.06.2025 (Time Extension requested until 19.12.2025)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development and a Departure from Local Plan Policies  'Called in' by Councillor A S Fluker due to concerns about sustainable development, strategic growth, place shaping, the delivery of prosperous rural communities, the existing settlement boundary and the prevailing countryside, the proposed design quality and built environment, Climate Change and the Environmental Impact of the development, the impact on Conservation and Heritage assets, the impact of Agricultural and Rural Diversification and how they are addressed in the proposal – Ref Policies but not limited to S1 6) 11) 12) 13, S2, S3, S7 a) b) c), S8, D1 1) c) d) e) 4) 6) 8) 9), D2 6) 10) 11), D3 1), E4 1) 3) and H4 1) 2) 3) 4) 6) 7)

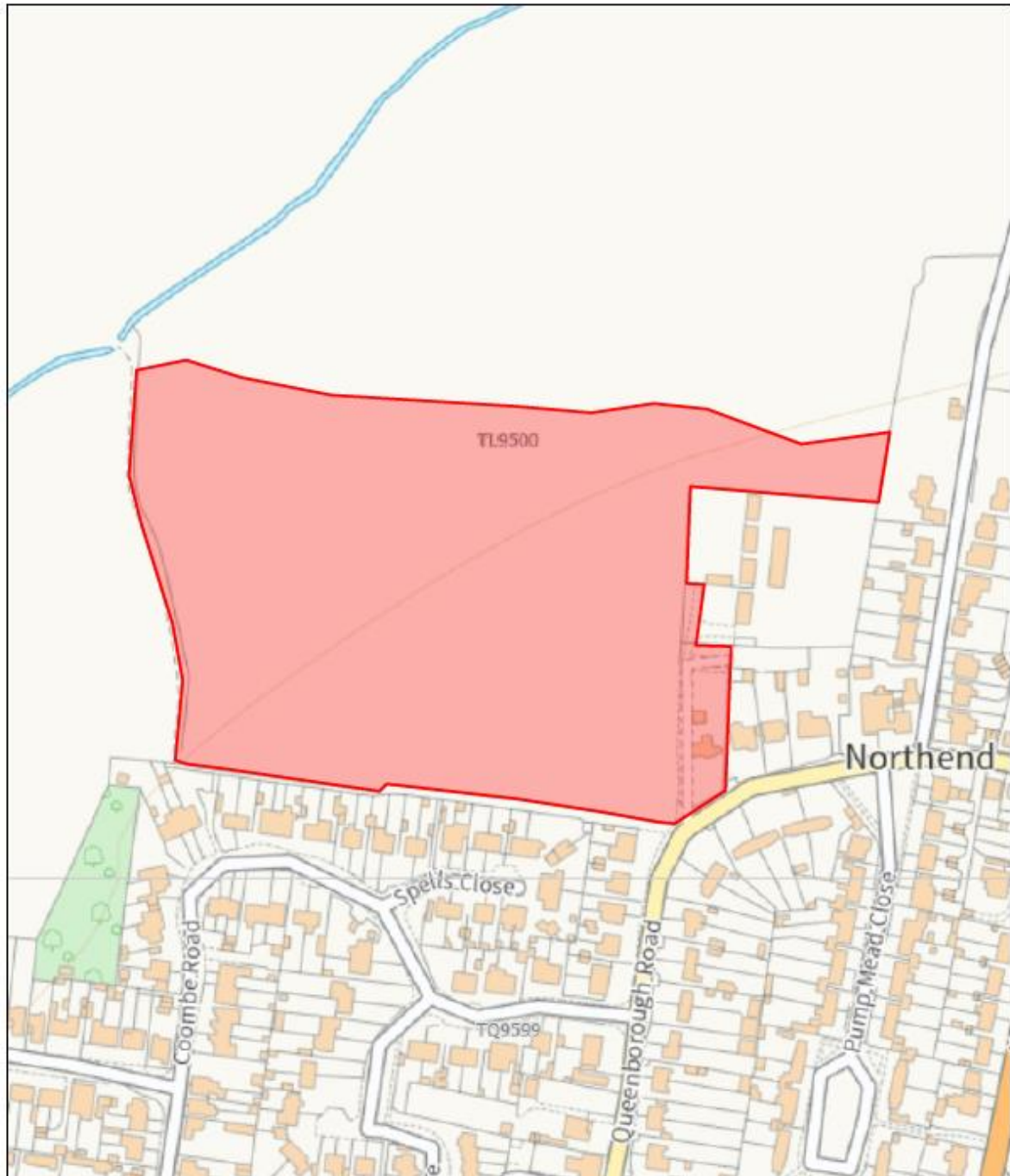
**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 (S106) 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**

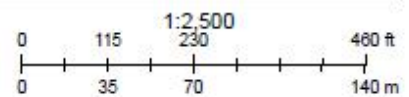
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24/00941/OUTM



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 Parish Polygon



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### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site comprises of 5.22ha of arable land around 1km from Southminster village centre. The site adjoins the defined settlement boundary for Southminster but is outside of the defined settlement boundary.
- 3.1.2 There is residential development to the south of the site at Coombe Road and Spells Close; to the east of the site is a builders' yard and to the south is residential development off Queenborough Road (the builders' yard is accessed via a track located along the eastern boundary of the site); and to the west is an arable field and to the north is farmland. A Public Right of Way (PROW) (FP1-259) runs along the site's southern and western boundaries. Overhead power lines cross the site. The land to the north continues to fall towards the brook before rising again towards Foxhall Road.

##### Description of the Proposal

- 3.1.3 Outline planning application is sought for the demolition of number 46 Queenborough Road and associated buildings and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, Sustainable Drainage System (SuDS) and vehicular access point all proposed.
- 3.1.4 All matters of detail including layout, scale, appearance and landscaping are reserved for future determination except for the means of access to the site.
- 3.1.5 The application is supported by a location plan, an indicative Development Framework plan and access plans, as well as studies and reports supporting the application. The plans for determination are the site location plan (11096-L-01-P4), proposed access arrangement plan (1727/10/B) and proposed wall plan (1727/11).

##### Access and Movement

- 3.1.6 The application seeks approval for 'access' and includes detailed plans relating to one vehicle access into the site from Queensborough Road. To create this vehicle access the existing property of number 46 Queenborough Road would be demolished.
- 3.1.7 The vehicle access would be a 'T' junction onto Queensborough Road and would comprise of a 5.5m wide carriageway with two 2m wide footways either side of the carriageway and these footways would link up to the existing footway along Queensborough Road. The bellmouth junction would measure 16.5m at its widest extent.
- 3.1.8 Moving into the site and along the access road, just after it bends right, there would be a table top style ramp with tactile paving along the footway that would allow for pedestrians to cross. Another similar arrangement is proposed further along the access road. At this stage this information is indicatively shown to demonstrate how the road layout could appear from the access onto the highway.
- 3.1.9 A separate and existing access to the existing builders' yard to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road would be

retained. This route follows the current alignment of an unmade road that serves these properties.

- 3.1.10 The existing PROW (FP1-259) runs outside of the site to the south and along the rear of the boundaries with Spells Close and Combe Road. An informal pedestrian access route has already been created to the north of this PROW as seen during the Officer's site visit. The indicative Development Framework Plan shows the future diversion of this PROW (250-1) path through the site to align with the informal pedestrian access route. The diversion of a PROW involves a separate procedure to formalise this and therefore falls outside of the scope of this planning application.
- 3.1.11 The indicative Development Framework plan shows indicative road layouts and circular pedestrian paths around the site, which would also lead into the areas of public open space and would also connect to the PROW along the site's western boundary.

#### Other Indicative Information

- 3.1.12 The applicant's Planning Statement explains that 1.97 hectares of formal and informal open space would be provided including a children's play area, a surface water attenuation basin (positioned in the NW corner of the site), structural planting, a community orchard and landscaping.
- 3.1.13 The proposal would provide 30% affordable housing provision.

### **3.2 Conclusion and Planning Balance**

- 3.2.1 In summary, the proposed development would have benefits, harms and neutral impacts and the sub-headers below assesses each of these giving a weighting that has led to the recommendation for this application

#### Benefits

- **Sustainable Development** – The site is located in a sustainable location 0.2 miles from the centre of Southminster which is identified as a 'larger village' in policy S8 of the Local Development Plan (LDP) and includes services, facilities and access to sustainable transport networks including bus and train services. Significant weight.
- **Housing Land Supply Position** – The Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS) to meet the requirements of the NPPF. The tilted balance is therefore applied as policy S2 is currently out of date and not in accordance with the requirements of the National Planning Policy Framework (NPPF). Substantial Weight.
- **Affordable Housing** – The proposal would provide a policy compliant level of affordable housing (30% of the development) and this would contribute to the Council's housing land supply position and identified need for affordable housing in the District. Substantial weight.
- **High Quality Design and Energy Efficient Development** – The proposal would provide opportunity for a high-quality designed development and the incorporation of energy efficient buildings and the use of renewable energy installations to help address the impact of climate change. As this would be detailed in the reserved matters, at this stage, this is given Moderate Weight.
- **Green Infrastructure and Ecology and Biodiversity Improvements** – The current agricultural field would be lost but this would lead to benefits through the provision of new, improved and enhanced green infrastructure in the form

of landscaping, open space and surface water drainage systems that would also lead to a net gain biodiversity value at the site with a potential 10.59% biodiversity gain in habitat units and a 38.11% gain in hedgerow units. Moderate Weight.

- **Developer Contributions** – Other than policy requirements to mitigate the impact of the development in terms of affordable housing, education, healthcare and Essex RAMs financial contributions, ECC are requiring a financial contribution of £310,000 to towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon. In accordance with paragraph 101 of the NPPF it states that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”. Significant weight.

#### Harm

- **Loss of Agricultural Land** – Grade 3a and 3b agricultural land would be lost as a result of the development. Limited weight.
- **Landscape and Visual Impact** – The site is located outside of the settlement boundary for Southminster and is consequently contrary to policy S8 of the LDP. The proposal would lead to the urbanisation of the countryside in this location resulting in harmful landscape and visual impacts. However, given the views of the independent landscape consultant, this consideration is given Moderate Weight.
- **Residential Impact** – The proposed access would lead to additional noise/disturbance and activity in this location through increased traffic and use of the site, which would impact upon the immediate neighbouring property to the east. Although mitigation to the noise impacts is identified, it is recognised a degree of harm would remain. Moderate Weight.

- 3.2.2 The proposal would lead to neutral impacts that are neither beneficial nor harmful and would include standard requirements for major planning applications such as the provision of onsite surface water drainage systems. These neutral impacts also include the technical considerations of heritage impact, air quality, ground conditions and contamination where there would be no harm nor benefit.
- 3.2.3 Based on the above it is considered that the identified benefits of the proposal would, on balance, outweigh the identified harms and therefore the application is recommended for approval subject to the planning conditions and planning obligations as set out in the recommendation section and the conditions and heads of terms section of this report.

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations

- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

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

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards (VPS) SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) SPD
- Green Infrastructure Strategy (2019)
- Affordable Housing and Viability SPD (2019)
- Rural Facilities Survey and Settlement Pattern (2023\_
- Local Housing Needs Assessment (LHNA) (2025)



## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the NPPF require planning decisions to be made in accordance with the Development Plan 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 The LDP Proposals Map identifies that the site is located outside of the defined settlement boundary of Southminster. Therefore, policies S1 (Sustainable Development) and S8 (Settlement Boundaries and the Countryside) apply.
- 5.1.3 Policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption, but still follows the approach of the current NPPF in considering the economic, social and environmental role of achieving sustainable development. This is assessed in more detail below.
- 5.1.4 With regard to policy S8, Southminster is defined as a 'larger village' in the settlement hierarchy table and the policy identifies that *'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'*. Furthermore, the policy states that *'Outside of the defined settlement boundaries... planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'*. This means the proposed development would be unacceptable in principle and contrary to policy S8 as none of the policy exceptions listed in the policy would apply to a residential development. The Rural Facilities Survey and Settlement Pattern is more recent and an evidence base for a new Local Plan (2023) and also identifies Southminster as a 'larger village' based on the services and facilities it has to offer.

#### The Policy Position and the 5YHLS Position

- 5.1.5 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.
- 5.1.6 Up until early December 2024, the Council was able to demonstrate a 5YHLS of 6.3 years. The 5YHLS is a requirement for Local Authorities to identify and maintain a supply of land suitable for building a minimum of five years' worth of housing. This supply includes deliverable sites where homes can be built within that timeframe. As a result of the change in the methodology of calculating the housing needs of the District in the NPPF, (December 2024) the Council cannot now demonstrate a 5YHLS. This means that Maldon District needs to accommodate more housing than the requirements set out in Policy S2 of the LDP, which states that 276 housing units per annum are required throughout the lifetime of the plan. The changes has given rise to a requirement of 583 housing units per annum (LHNA, 2025) and, given this position policy S2 can no longer be considered 'up to date' in

terms of delivering the required housing. The default position is that development proposals will need to be considered on the basis of whether they are sustainable or not, in accordance with the requirements of the NPPF and policy S1.

- 5.1.7 Paragraph 11d (ii) concerns the ‘titled balance’ where a favourable decision is likely to ‘tilt’ in favour of sustainable development unless, *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination’.*

- 5.1.8 In addition, at an extraordinary meeting of the Council on 17 June 2025 Members considered the Maldon District Council (MDC) LDP Review Growth Options and it was agreed:

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

- 5.1.9 As stated above Southminster is considered as a location for strategic growth.

#### Sustainability

- 5.1.10 Given the decision at extraordinary meeting of the Council on 17 June 2025 with the inclusion of Southminster as a strategic growth location, it is therefore considered that Southminster is a sustainable location to accommodate growth as the third largest settlement in the District. However, consideration needs to be given to the NPPF’s sustainability considerations and policy S1 in light of the titled balance in favour of sustainable development.

- 5.1.11 Consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the ‘presumption in favour of sustainable development’ to apply, as set out in paragraph 11 of the NPPF.

- 5.1.12 Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate a five-year supply of deliverable housing at present this means that sites outside of the defined development boundaries could be assessed to be sustainable locations for development when applying the sustainability objectives of the NPPF. The Local Planning Authority (LPA) is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These are assessed below.

- 5.1.13 Accessibility is a key component of the environmental dimension of sustainable development.

- 5.1.14 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Paragraph 105 of the NPPF acknowledges that *“development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”.*

- 5.1.15 In terms of accessibility, the village centre is 0.2 miles from the site and can be easily accessed by walking or cycling. The village centre includes a range of facilities and services including a church, a pre-school, infant and primary school, library, public houses, a swimming pool, a number of shops and take-aways, a brewery, employment sites, a veterinary clinic, doctors surgery village hall, recreation ground and facilities.
- 5.1.16 In addition, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Southminster has a railway station serving other stations in the District and connecting to London, and bus services to other parts of the District and onto Chelmsford. The site is within walking distance of the services and facilities of the settlement. The railway station is 0.6 miles from the site, and the village centre is 0.2 miles where there are bus services to and from the village.
- 5.1.17 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.18 In terms of the economic dimension of sustainable development, the construction phase of the development would bring jobs to the area and the operational phase, when the dwellings are occupied would bring in new people who would spend money in the local area and benefit local businesses. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area. These are recognised as economic benefits of the proposed development.
- 5.1.19 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District including the provision of bungalows which are needed in the District to assist with the District's ageing population. The development would help create a new community at this site.
- 5.1.20 For the environmental objective, and subject to the technical assessment of each material planning consideration, the proposed development would allow for the opportunity for the delivery of a high-quality designed housing development that would benefit from the latest energy efficiency requirements to help tackle climate change, there is an opportunity for ecology and biodiversity gain and on site surface water management measures to reduce flooding. As identified above the site is in a sustainable location close to the centre of Southminster for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.

#### Call for Sites

- 5.1.21 The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference SMIN5. The outcome of this process found that the site was identified as potentially suitable for residential development.
- 5.1.22 The applicant refers to the assessment of the site as part of the HELAA which is as follows: *'On balance it is considered that development of the site would be suitable. The site is located within walking distance of services and facilities in Southminster, including the train station, school and doctors. Walking is safe from the site because there is pavement connection on Queenborough Road linking with the wider pavement network. The site is large enough to ensure the provision of landscaping, open space and the maintenance and improvement to public transport. Extensive*

*landscaping and green space would mitigate against the impact on the wider landscape and townscape. There is high surface and river flood risk but this could be mitigated against.'* However, Officers agree with the applicant that *'In the context of paragraph 49 of the Framework, no material weight can be afforded to the Local Plan Review for the purposes of development management.'*

- 5.1.23 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

#### Appeal Decisions

- 5.1.24 To the north east of Southminster adjoining the settlement is a site known as Land north of Homefield and west of Tillingham Road which was subject to a planning application (23/01244/OUTM) for up to 220 dwellings that was refused planning permission and then dismissed on appeal. The appeal was dismissed on the grounds of harm to the character and appearance of the area as the development would have conflicted with policies S1 and D1 of the Local Plan. The Inspector did not object to the application on grounds of the principle of the development nor sustainability and recognised the Council's position with regard to the 5YHLS and the need for affordable housing attaching substantial weight to those material considerations.
- 5.1.25 A more recent planning appeal decision at a site known as Glebe Meadow to the south eastern side of Southminster for a development of 36 dwellings was dismissed on appeal for multiple reasons (reference 24/00017/FULM). This appeal is referenced because it considered policy S8 and referenced that site had a rural character on the edge of Southminster, so there are similarities with this application site. The appeal site was considered by the Inspector who stated that the development would have *'an urbanising effect on the rural character and would not have at least a limited adverse impact upon the intrinsic character and beauty of the countryside'*. The proposal was found to be at odds with the spatial strategy in policy S8.

#### Loss of a Dwelling

- 5.1.26 The proposal would result in loss of a dwelling but would result in the net gain of new dwellings on the site and therefore the loss of the dwelling to allow for dwellings as needed for the Council's housing supply does not raise any objections.

#### Loss of Agricultural Land

- 5.1.27 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.
- 5.1.28 The previous planning application that was refused planning permission included the following reason of refusal:
3. The development would potentially result in the loss of Grade 3a, Best and Most Versatile agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF.
- 5.1.29 The Agricultural Land Classification identifies that the whole site is land that is grade 3 but this is broken down as follows: 3a (4%) and 3b (96%) agricultural land. The majority of the agricultural land is classified as grade 3b land which is not the Best

and Most Versatile land and therefore there is no conflict with paragraph 187 b) of the NPPF which considers that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred, for future development. The loss of agricultural land has to be considered in the overall planning balance when assessing this application. The loss of agricultural land has to be balanced with the housing needs of the District and the need for housing outweighs the loss of grade 3b agricultural land particularly given the Council's 5YHLS position with the tilted balance engaged.

#### Summary of Principle of Development

- 5.1.30 Taking into consideration the two recent appeal decisions on the edge of Southminster and the relevant LDP policies (as stated above), the proposed development outside of the settlement boundary is contrary to policy S8, but as the current NPPF has changed the methodology for calculating housing need in the District, the Council now finds itself in a position where it does not have a 5YHLS. Consequently, this means that the tilted balance through the NPPF's 'presumption in favour of sustainable development' applies. The development of sites such as this outside of settlement boundaries need to be assessed as to whether the development is sustainable development to meet the definition within the NPPF and policy S1. For the reasons explained above the site is considered to be located in a sustainable location as an extension to the village which provides good a range of facilities, services and various transport modes/links for accessibility. This position along with the Council's intentions for Southminster as a strategic growth option furthers assists in identifying that the principle of the development is acceptable.

## **5.2 Affordable Housing and Housing Mix**

- 5.2.1 Policy H1 (Affordable Housing) requires an affordable housing contribution for housing developments of more than 10 units or 1,000 sqm of floorspace and in this location, Rural South East Higher, as defined in the policy, the requirement is for 30% of the development to provide for affordable housing in accordance with the Council latest Housing Needs Assessment.
- 5.2.2 The Planning Statement confirms that the proposal would provide 30% affordable housing (33 affordable homes) on site. The Council's Housing Officer supports the proposal subject to securing a policy compliant level of affordable housing with a tenure split of 75% affordable rent and 25% intermediate housing as there is a significant demand for affordable housing in the District. The full details of the affordable housing provision can be secured through a planning obligation to a S106 legal agreement.
- 5.2.3 A S106 Agreement would ensure that the above requirements are met, it would also ensure that:
- As many of the dwellings as possible would meet M4(2) standards
  - 10% of homes would meet Part M4(3) - wheelchair user dwellings, with a higher percentage being provided within the affordable housing units.
  - The gross costs of the affordable units (rent/service charge) will be within MDC's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.
  - An Affordable Scheme detailing tenure, cost, allocation of units.
  - The Affordable units are required to meet Nationally Described Space Standards.

- 5.2.4 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-ambles to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings, but to create a better-balanced stock to meet the needs of an ageing population and the needs of young people, there is a need for a higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements for the district is set out in the LHNA, which was published in September 2025. This, like the pre-ambles to policy H2, identifies the need for 1, 2 and 3 bedroom units for market and affordable housing. In more detail, the highest percentage of need is for 2 and 3 bedroom market units and affordable home ownership, and a need for 1, 2 and 3 bedroom affordable rented housing.
- 5.2.5 Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.
- 5.2.6 This outline application does not include any details of the future housing mix for this site. This was raised with the applicant, but their approach is to use a planning condition to provide the housing mix details at reserved matters stage. A planning condition can be imposed requiring the housing mix through the future reserved matters application to accord with the latest LHNA or any subsequent LHNA to therefore ensure the development meets the housing mix requirements of policy H2 and accommodation for specialist needs of policy H3.

### **5.3 Design Considerations and Landscape and Visual Impact**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- 'The creation of high quality 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'.*
- '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'.*
- 5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - 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.
- 5.3.4 Policy D2 requires all development to minimise its impact on the environment by incorporating energy efficiency to help address the impact of climate change.
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 Other than the location plan and access plans, an indicative Development Framework plan provides details showing how the site could be laid out.

#### Layout

- 5.3.7 As an outline application 'layout' is not for determination and will be determined through a future reserved matters process. The indicative Development Framework plan shows the access road leading into the site as the main spine road which then splits to create a crescent arrangement with secondary roads shown. The grey coloured areas of the indicative Development Framework plan represent the land parcels within development where housing would be built which measures 3.77 hectares of land in total. Around the edges of the site landscaping is shown and a circular pedestrian route around the site leading to a play space area towards the northern boundary of the site and pedestrian links the PROW.

#### Scale and Appearance

- 5.3.8 As an outline application 'scale' and 'appearance' are not for determination and will be determined through a future reserved matters process. The applicant's Design and Access Statement shows that the scale of development is envisaged to be two storeys in height and the appearance of the dwellings would reflect the local vernacular to include weatherboarded and rendered finishes to the elevations. Around the edges of the site dwellings would front onto the road and areas of open space which creates an acceptable design approach and provides natural surveillance to the open space and play space area. Whilst not included within this application the reserved matters provide the opportunity for energy efficient buildings and the use of renewable energy installations to help address the impact of climate change.

#### Open Space, Amenity and Landscaping

- 5.3.9 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. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.3.10 As an outline application 'landscaping' is not for determination and will be determined through a future reserved matters process. The indicative Development Framework plan includes areas of informal and formal open space within the site, this would mainly be around the edges of the site and within a central location within the site. The applicant's Planning Statement identifies that an area of Locally Equipped Area of Play (LEAP) and a community orchard would be provided within the 1.97 hectares

of land allocated for landscaping and open space. An attenuation basin as part of the surface water management arrangements would be located in the site's north west corner and would also become a landscape feature of the site. There would also be a triangular area of open space within the centre of the development. The applicant's Design and Access Statement shows a sketched plan of how this area could be developed.

- 5.3.11 Given the size of the site and the number of dwellings proposed, whilst the housing mix is not known at this stage, it is anticipated that the layout of the site could be developed as proposed and comply with the minimum private amenity space standards referred to above and with properties of sufficient size including back-to-back distances which would provide an adequate quality of life and living conditions for the future occupiers.
- 5.3.12 The applicant's Design and Access Statement explains that street tree planting will be located along the main access route along with tree planting around the open space areas of site's boundary. The Arboricultural Appraisal identifies the majority of tree cover is along the linear boundaries of the site with the main part of the site being an agricultural field. There were a number of low-quality trees (Category C). There were two Category B trees in the rear gardens of properties adjacent to the site and all Category A trees were outside of the site. The only areas where tree removal would occur would be at the front of the site where the proposed access is proposed. Having reviewed the application, the Place Services Tree Consultant has no objections subject to a condition requiring the retention and protection of existing trees.

#### Landscape and Visual Impact

- 5.3.13 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*. Paragraph 187 of the NPPF requires planning decision to contribute and enhance the natural environment by protected and enhancing value landscapes and the intrinsic character and beauty of the countryside.
- 5.3.14 At a local level, the Essex Landscape Character Assessment (2003) locates the site within the 'South Essex Farmland' Landscape Character Area. The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) locates the site within the 'Tillingham and South Latchingdon Coastal Farmland' Landscape Character Area (LCA). This LCA has a 'Moderate' sensitivity to change. The key characteristics for this character area include:
- 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 patterns;
  - Settlement pattern follows underlying soils – sand and gravel formations on a ridge between Bradwell and Burnham – elsewhere on settlement slopes in clay areas.



5.3.15 The previous application was subject to the following reasons of refusal:

- 1 The development, as a result of its location, nature and extent, would cause harm to the character and appearance of this rural site and its surroundings, contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.

5.3.16 Consideration needs to be given as to whether this previous reason of refusal has been addressed having regard to changes shown in this previous application when compared to the current application. The previous application does not include any of the Parameter Plans subject of this application. An assessment of the differences has been undertaken comparing the Development Framework, which is very similar to the previous application.

5.3.17 The applicant's Landscape and Visual Impact Assessment (LVIA) states that 'the site is not subject to any landscape quality designation and lies outside of a National Park, Area of Outstanding Natural Beauty and any locally designated landscape areas. The site, nor the immediate landscape, contains any rare or unusual landscape features and so it is concluded the site does not comprise a valued landscape'.

5.3.18 The applicant's LVIA considers the site has a medium susceptibility to change being an area of land at the edge of the existing town and is influenced by settlement edge characteristics. The applicant's LVIA has determined the site has a medium landscape value overall and that the most noticeable effects of the proposed development would occur within the site itself where development would be built and replace existing farmland. The new housing would have an urbanising effect on the site's southern and eastern boundaries. The proposed development would also be set back from more sensitive landscape receptors including the PROW and existing vegetation to the south and west. The applicant's LVIA considers that the combination of new tree and hedgerow planting would help integrate built form within its immediate landscape setting and at completion stage this would have a 'moderate adverse landscape effect' and this would reduce to a 'moderate to minor adverse landscape effect'.

5.3.19 In conclusion the applicant's LVIA states that 'it is considered that the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Southminster and could be accommodated within the site and local landscape without resulting in any unacceptable landscape or visual effects'.

5.3.20 To assist in the assessment of landscape and visual impact an independent landscape consultant was appointed to review the applicant's LVIA.

5.3.21 In terms of the impact upon Landscape Character, the independent landscape consultant acknowledges that the proposed development would inevitably alter the character of the site and its constituent features, recognising the site would become more urbanised. The independent landscape consultant considered that the '...proposed development will sit well with Southminster's northern edge and will represent a modest extension to the existing built form. There is ample room along the site's northern and western buffer zone to provide a soft vegetated edge to the proposed development which would limit any effect on the wider LCA'. 'It is my opinion that magnitude of landscape effect should be assessed as major as the character of the site will be irrevocably changed by the proposed development'. In terms of the overall effect the proposed development will have on the wider Tillingham and Latchingdon Coastal Farmland LCA as minor adverse for the

construction phase, upon completion and at 15 years post completion – the independent landscape consultant concurs with the conclusions of the applicant's LVIA.

5.3.22 In terms of the Visual Effects, the independent landscape consultant is satisfied with the 12 visual receptors and 15 viewpoint locations from the applicant's LVIA. It is recognised by the independent landscape consultant that the landscape buffer to the northern edge of the site is of a sufficient size to achieve the suitable mitigation for any visual impact. The independent landscape consultant agrees with the applicant's LVIA on the assessment of visual effects and that suitable mitigation can be agreed through the reserved matters.

5.3.23 In his overall conclusion the independent landscape consultant considers that the outline scheme as proposed can mitigate for any significant harm to both the wider landscape and the identified viewpoints. In addition, and should the proposed development be approved, it is requested that the following is achieved:

- Comprehensive soft landscape plans showing location, number, size and species for trees and hedgerows.
- Mitigation Strategy setting out how significant effects on visual receptors have been addressed.
- Landscape Management Plan for a minimum 20-year period.

#### Conclusion to this section

5.3.24 In summary, there are no objections raised to the indicative layout, scale, landscaping, open space and amenity aspects of this application which in detail would be secured through the reserved matters. The proposal would lead to the urbanisation of this site and would result in harm to the landscape and visual impact of the site but as identified above no objections have been raised from the assessments undertaken from different landscape consultants and most importantly, for the Council's perspective, an independent landscape consultant does not object to the application on landscape and visual impact grounds, subject to securing the landscaping mitigation as identified, which can be secured through planning conditions and the reserved matters. The LVIA of the application demonstrate that there would not be any adverse impact for the development to be considered contrary to policies S1 and D1 of the LDP.

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

5.4.1 The NPPF sets out that *"significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."* (Paragraph 109).

5.4.2 The NPPF outlines that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* (Paragraph 116).

5.4.3 Policy T1 supports measures which secure sustainable transport for new development, give priority to active and sustainable transport over private vehicles, improve access to railway services, and new bus/DRT services, provide high-quality pedestrian and cycle networks, provide integrated public transport information and ease congestion.

- 5.4.4 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to 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 and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.5 This application is submitted with all matters reserved, except for access and as such, the matter of access is considered in detail as part of this application. Other matters such as the internal site layout, including car and cycle parking provision, delivery and servicing and emergency vehicles access, would be addressed via subsequent reserved matter applications should outline consent be granted.
- 5.4.6 The application is supported by a Transport Assessment (TA) which includes details of the access, visibility splays and trip rates has been assessed by the local highway authority, at Essex County Council (ECC).
- 5.4.7 The previous application was subject to the following reason of refusal and this assessment is to assess whether the reason has been addressed:
2. It has not been demonstrated that the impact of the development on the local highway network is acceptable in terms of highway safety, contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

#### Access

- 5.4.8 The proposed access plan (1727/10/B) has been subject to Road Safety Audit during the course of this planning application in response to an earlier objection from the local highway authority. To facilitate the proposed vehicle access to the site no.46 Queensborough Road would be demolished. The proposed vehicle access would be a 'T' junction onto Queensborough Road and would comprise of a 5.5m wide carriageway and a two 2m wide footways either side of the carriageway that would link up to the existing footway along Queensborough Road. The bellmouth access shown on the plans is for determination with the access road into the site being indicative as that would be determined with the reserved matters for 'layout'. Indicatively shown along the access road there would be two tabletop style ramps for traffic calming and pedestrian crossings.
- 5.4.9 The proposed access arrangement requiring the need to demolish number 46 Queensborough Road and this is an unusual access arrangement, but this appears to have been completely influenced by the current arrangements of a unmade separate access to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road, which prevents difficulties from forming a vehicle access without leading to changes to this unmade access. During the course of the application Officers requested further clarification on this but the applicant has explained that due to legal reasons it has not been possible to amend the unmade access arrangements and the applicant has confirmed that they have no ability to 'lift and shift' the unmade access track. Therefore, as a result the separate unmade access would be retained in its current form. That unmade access would cross the proposed access road into the site ensuring that the unmade access arrangements is maintained as existing, apart from the new crossing point. The applicant has stated

that access to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road can use the new access proposed through this application.

- 5.4.10 The Local Highway Authority have considered the access arrangements and they have no objections the proposed vehicle access arrangements subject to planning conditions to ensure that the site access to be provided with the visibility splays on drawing no. 1727/10/B; requirements for dropped kerb crossing and a 2m footway either side of the access road and a dropped kerb crossing together with tactile paving on Queensborough Road; improvements and dropped kerb at the junction of Queensborough Road with High Street; dropped kerbs and tactile paving at a number of junctions.
- 5.4.11 For pedestrian access, in addition to the footways either side of the vehicle access into the site the current informal pedestrian access along the southern part of the site, the PROW would provide further pedestrian access points from the site's south eastern point onto Queensborough Road and along the site's southern and western boundary as shown on the indicative Development Framework plan.

#### Vehicle Movements and Highway Impact

- 5.4.12 The applicant's Transport Assessment has undertaken traffic survey work and using the existing traffic information. The applicant's Transport Assessment identifies that the development can be delivered without significant detrimental impacts to the highway network and that takes account of various growth scenarios if other live planning applications were to received planning permission. The Local Highway Authority have no objections to the vehicle movements or associated highway impacts.

#### Parking

- 5.4.13 The applicant's Transport Assessment has identified that parking would be provided in accordance with the Council's adopted VPS. The parking shall be provided for each dwelling, depending on the number of bedrooms per dwelling and visitor parking. This parking provision shall include electric vehicle parking and disabled parking. The applicant's Transport Assessment identifies that cycle parking shall be provided in accordance with the VPS. As an outline application this level of information is acceptable as the future reserved matters shall determine the layout of the site and the parking requirements can be subject to a planning requiring all parking requirements to adhere to the Council's adopted VPS. This would then also achieve the requirements of policy T2 of the LDP.

#### Travel Plan and Passenger Transport Considerations

- 5.4.14 The application includes a Framework Travel Plan that sets out a range of measures to reduce single occupancy car trips to/from the development by promoting the use of sustainable modes of travel (walking, cycling and public transport) and car sharing. A Travel Plan Co-ordinator would be appointed to produce, implement, update and monitor the Travel Plan. In addition to this Residential Travel Information Pack, as also required by the Highway Authority, would be issued to each household and this includes details on walking, cycling, electric vehicles, buses, trains, taxis, car sharing, car clubs, electric vehicle charging, school transport and travel information. The local highway authority requires an updated travel plan with an annual monitoring fee of £1,817 per year from year 1 until final occupation. In addition to this a planning condition to secure provision of Residential Travel Information Pack for each dwelling is also sought.

- 5.4.15 The applicant's Transport Assessment also states that bus contributions shall be paid to the Transport Passenger Services at ECC along with a contribution towards school bus travel. The local highway authority requires planning obligations in the form of a contribution of £310,000 towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

#### Summary of Highway Considerations

- 5.4.16 Overall, subject to the mitigation as identified being secured through planning conditions and planning obligations there are no objections raised on highway grounds and the previous reason of refusal has therefore been addressed. Therefore, the proposed development would therefore accord with policies T1 and T2 of the LDP and the requirements of the NPPF for the purposes of this outline planning application. Further highway details regarding the layout of the development shall be secured through the reserved matters.

### **5.5 Flood Risk and Drainage**

- 5.5.1 Paragraph 170 of the Framework directs inappropriate development in areas at risk of flooding away from areas at highest risk.
- 5.5.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.3 The site lies within Flood Zone 1 which means it is at the lowest risk flooding and is not at risk from surface water flooding or any sources of flooding from the Council's Strategic Flood Risk Assessment (SFRA). In accordance with the guidance in the NPPF and Planning Policy Guidance (PPG) there is no requirement for the Sequential and Exception Tests to be undertaken on this basis.
- 5.5.4 Due to the site area being more than 1ha, a Flood Risk Assessment and Outline Surface Water Drainage Strategy (FRA) has been submitted as part of the application. The applicant's FRA identifies the topography of the land to range between 13.8m AOD (Above Ordnance Datum) in the north western boundary corner to 23.8m AOD at the south east side boundary. The FRA identifies that all sources of flood risk at very low.
- 5.5.5 Within the site the FRA states that basins would provide surface water storage and attenuation, and permeable paving can be incorporated into private roads, shared surfaces and driveways that are part of the development. The FRA details how the scheme incorporates SuDS that would manage the outfall of water from the site to the 1 in 100-year flood event with additional allowance for climate change to the watercourse outside of the northern site boundary across land in the same ownership as the applicant. The discharge rate will be the 1 in 1 year greenfield run off rate. The Lead Local Flood Authority (LLFA) at ECC has no objections subject to planning conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements.
- 5.5.6 Foul drainage would be pumped and connected to the existing public sewer in Queensborough Road. Anglian Water has also raised no objections subject to a planning condition to secure strategic a foul water strategy.

- 5.5.7 Overall, no objections are raised on flood risk and drainage grounds and mitigation is identified and can be secured through the use of planning conditions having regard to the requirements of policy D5 of the LDP and the policies and guidance in the NPPF / PPG.

## **5.6 Ecology and Biodiversity**

- 5.6.1 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.6.2 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.6.3 The development has the potential to impact both on-site and off-site nature conservation interests.

### On Site Ecology and Biodiversity Net Gain (BNG)

- 5.6.4 The applicant's Ecological Impact Assessment states that the site was noted to have provided some degree of suitable habitat for a range of protected/notable species including bats, birds, hazel dormice, reptiles, and riparian mammal surveys for which are being conducted during the 2022/2023 survey season. A low population of slow worm and common lizard were recorded on-site as well as a range of common and widespread bats. Static bat detector surveys have picked up a small number of barbastelle bat echolocation registrations. Mitigation and enhancements measures are to be proposed and can be secured through planning conditions. The Appraisal concludes that mitigation measures would ensure the protection of protected species recorded onsite presently and that the creation of green infrastructure including grassland scrub and the planting of trees and shrubs will provide improvements to the habitat diversity within the site and would benefit a number of fauna species.
- 5.6.5 With regard to BNG, the application proposes a potential 10.59% biodiversity gain in habitat units and a 38.11% gain in hedgerow units. The applicant's Ecological Impact Assessment states that this will be achieved through the enhancement of existing retained habitats and creation of native species-rich grasslands, mixed scrub, individual trees and new wetland features
- 5.6.6 Place Services Ecology have no objection subject to planning conditions requiring the actions of the Ecological Impact Assessment to be implemented, a Construction Environment Management Plan (CEMP) for biodiversity, a Biodiversity Enhancement Strategy, details of wildlife sensitive lighting, Landscape and Ecological Management Plan. A standard BNG condition can be included as an informative.

### European Designated Sites

- 5.6.7 The site falls within the recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other

plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including 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.

5.6.8 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites. The applicant's proposed illustrative masterplan includes public open space and circular walking routes for recreational activities.

5.6.9 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 ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 110no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? Yes, the proposal is for 110no. dwellings

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

Summary of Appropriate Assessment

5.6.10 As the answer is a yes within HRA Stage 2 then in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) the local planning authority, as the competent authority, has to undertake the HRA Appropriate Assessment and has as set out below:

5.6.11 The development is for up to 110 dwellings within the 22km ZOI of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Foulness SPA and Ramsar site, Essex Estuaries Special Area of Conservation (SAC), Crouch and Roach Estuaries SPA and Ramsar site and Dengie SPA and Ramsar site. Within this ZOI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation. The application is considered by MDC to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity.

5.6.12 The developer has confirmed and agreed that the following will be incorporated within the development, as set out within the applicant's Shadow Habitat Regulations Assessment:

- The proposal to deliver 110 dwellings will generate 259 new residents (based on 2.35<sup>1</sup> people/dwelling) and 33 dogs (based on Kennel Club figures for 30% households owning a dog). As a result, the applicant has identified that a 2.377ha of greenspace including SUDs will be delivered in the Development Framework (FPCR, April 2023), as well as a circular footpath route around the perimeter of the site with connections to the local public rights of way network, including the Woods & Lanes of Southminster Walk (3.6KM). This 'Sustainable Accessible Natural Greenspace (SANGs) like provision' is greater than Thames Basin Heath Guidelines of 8ha of SANGs per 1000 individuals (only 2.072ha would be required based on the development only generating 259 new residents). Therefore, the Council considers that this will appropriately provide suitable natural greenspace for this application.
- Recreational opportunities shall be promoted by way of an information board on site for the high-quality greenspace to be provided and connections to the local public rights of way network. To secure the management and maintenance of these provisions, the developer will produce a long term management plan at Reserved Matters and has committed to including signage for new residents to promote the open space and nearby PROW for recreation purposes.

5.6.13 The above shall need to be secured and a prior to occupation planning condition for on-site measures shall need to be secured along with a planning obligation to include the long-term management and maintenance of these provisions.

5.6.14 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and therefore, the developer contribution should be calculated at this figure. For this application a financial contribution of £18,639.50 is required based on the current tariff applied for RAMS mitigation.

5.6.15 Natural England has no objection subject to securing appropriate mitigation as the site falls within the 'zone of influence' for one or more European designated site on the Essex coast. The development will require an Appropriate Assessment to be undertaken by the competent authority.

5.6.16 The conclusion of the HRA Appropriate Assessment is as follows:

*'Having considered the proposed avoidance and mitigation measures above and compared these against Natural England's advice in Annexes I and II, Maldon District Council concludes that with implementation of these mitigation measures, the development will not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS , either alone or in combination with other plans and projects'.*

*'Having made this Appropriate Assessment of the implications of the development on the Habitats sites in view of those sites' conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)'.*



### Conclusion to this section

- 5.6.17 Subject to the mitigation measures as identified and the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to policies N1 and N2 along with the guidance and paragraphs of the NPPF/PPG.

## **5.7 Impact on Neighbouring Amenity**

- 5.7.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.7.2 Reason 4 from the previous application is stated below:
4. Use of the vehicular access proposed to serve the development would result in noise and disturbance being caused to the occupiers of the neighbouring residential dwelling (no.48 Queensborough Road) to the detriment of their amenity, contrary to Policy D1 of the Maldon District Local Development Plan and the NPPF.
- 5.7.3 In comparison to the previous application the proposed access road within the site for this current application is different. The proposed access onto the highway is for determination but the access road thereafter would form part of the layout considerations with the future reserved matters. Nevertheless, as this road layout is shown as an indicative arrangement it could be considered with this application.
- 5.7.4 The previous application showed the sole vehicular access proposed to serve the development would be located along almost the full extent of the western boundary of the curtilage of the neighbouring residential property (no.48 Queensborough Road) and would have resulted in the demolition of no.46 Queensborough Road. That previous application considered the use of the access to/from the development and would have resulted in noise and disturbance being caused to the occupiers of this dwelling to the detriment of their amenity, contrary to policy D1 of the LDP.
- 5.7.5 The current access is different as a more visible left hand bend is shown within the indicative road layout and therefore the proposed access is indicatively shown to not extend the full length of the boundary of the neighbouring residential property (no.48 Queensborough Road). However, it is recognised that this arrangement would still result in noise and disturbance being caused to the occupiers of this dwelling by traffic and users of the footway. The applicant's Noise Screening Report submitted concludes that noise levels across the site are within the 'negligible risk of adverse effect'. The assessment has considered the effect upon the existing 48 Queensborough Road from the proposed access road and its impact from road traffic noise upon external amenity areas of the occupier identifying that the predicted noise level would below the guideline level of 50dB (decibel). The applicant's Noise Screening Report therefore identifies that the occupier of 48 Queensborough Road could still enjoy their external amenity space without annoyance.
- 5.7.6 Crucially to the amenity considerations regarding noise and disturbance is the consultation response from the Council's Environmental Health Officer who has no objection to the application but is recommending a planning condition is imposed requiring an acoustic fence/barrier along the boundary of the neighbouring residential property (no.48 Queensborough Road). This would be an additional fence and would need to be erected within the site itself adjacent to this boundary and this would need

to be approximately between 2m to 2.5m high. The current boundary treatment along the boundary of the neighbouring residential property (no.48 Queensborough Road) comprises of 1.8m to 2m high close boarded timber fence with concrete posts and gravel boards. As the Council's Environmental Health Officer is recommending this planning condition and it is considered that this addresses the previous reason of refusal.

- 5.7.7 Furthermore, on noise considerations, the applicant's Noise Screening Report has considered the noise impact upon the internal living conditions of this occupier and has considered that the windows can remain closed at night to accord with the relevant standards and even with a window open there is not considered to be any harmful implications. Whilst this is recognised as a harm crucially there are no objections from the Council's Environmental Health Officer on this point.
- 5.7.8 In addition to noise and disturbance, external light pollution from passing vehicles using the access road at night would have an impact upon the neighbouring residential property (no.48 Queensborough Road) particularly the side windows in that property. This is due to the proposed indicative layout of the access road which would have vehicles using the access road ahead of leaving the site facing this neighbouring property before the access road bends towards its junction with Queensborough Road. To help this issue the screening fence required for noise mitigation purposes shall also need to be of a height to protect the windows of the neighbouring property, although this would only protect the ground floor window (secondary window to a study) and door (to a utility room) in this building. A first floor window that is a secondary window to a bedroom could still be affected by light pollution from passing vehicles at night but there is another window in the rear elevation of this property that faces over the occupier's garden. Harm would result to the occupiers to this secondary bedroom window from vehicle headlights using the access road. This shall need to be considered in the overall planning balance as to whether this harm to one secondary window to a bedroom outweighs the benefits of the scheme.
- 5.7.9 As mentioned in section 5.4 of the report the unmade access track would remain as existing but the occupiers of the builders yard to the rear and the dwelling to the rear known as Annexe, Mead House, 52 Queenborough Road, would be affected by change through the creation of a new road although this would provide them with a choice of using the new road or the existing unmade track. The occupiers of the dwelling would be affected by more activity in the area through traffic entering and leaving the site but given the setback distance of this property it is considered that their residential amenities would not be adversely affected.
- 5.7.10 With regard to all other neighbouring properties backing onto or close to the site, whilst the proposed development would be visible from a number of existing residential properties, it is considered that, subject to the details of the layout and design of the development (which would be the subject of a future reserved matters application) and the imposition of conditions, the development could be designed so as not to have a materially adverse impact on the amenity of existing local residents by reason of overlooking, dominance, loss of sunlight, loss of daylight, loss of outlook and visual impact. As a result of the nature of the uses proposed, it is not anticipated that smell or pollution would be identifiable concerns.
- 5.7.11 For the construction phase of the development a Construction Management Plan can be secured through a planning condition, and this can control hours of use, delivery hours, wheel washing, temporary hoardings and hardstandings, noise control methods, dust and quality mitigation, water management, on site waste

management, light and community liaison requirements in the event of a future complaint.

- 5.7.12 Overall, further detailed information on the exact layout of the development and its scale, appearance and built form would be considered at the reserved matters stage. The information provided at this stage for an outline application is acceptable subject to the acoustic fence planning condition and planning conditions requiring information to be provide at the reserved matters stage. Based on the information contained within this outline planning application, the proposal would not give rise to any adverse harm or impacts upon amenities of the neighbouring and nearby residential occupiers of houses close to the site having regard to policies D1 and D2 of the LDP.

## **5.8 Other Matters**

### Heritage and Archaeology

- 5.8.1 There are no heritage assets on site. The applicant's Heritage Statement identifies that the nearest heritage assets includes five grade II listed buildings to the east of the site. The closest is Spratts Farmhouse 40m east of the site. The applicant's Heritage Statement would result in a less than substantial harm at the lowermost end of the spectrum to the heritage significance to this listed building. The Conservation Officer raises no objection as the proposed development would cause a very low degree of 'less than substantial harm' to the significance of the grade II listed Spratt's Farmhouse (52 Queenborough Road). In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal. The public benefits of the proposal would be through the provision much needed housing to address the Council's identified housing need and supply position, it would provide a new housing estate for social benefits of the new occupiers along with the proposed play spaces and connections to the rural countryside and the village.
- 5.8.2 As an undeveloped field the site has potential for archaeological deposits and the applicant's Heritage Statement recommends that there is low to moderate potential for any significant archaeological activity within the site. Place Services Archaeology raise no objections subject to phased archaeological planning conditions being secured.
- 5.8.3 Subject to the mitigation for archaeology investigations being secured through a planning condition there are no objections raised to the application with regard to the impact upon heritage assets and policy D3 of the LDP.

### Air Quality

- 5.8.4 The site does not fall within an air quality management area, and there are no sources that would give rise to odour issues in the locality once the development has been built. During the construction phase there is potential for airborne pollution from dust and particulates, however, this can be mitigated through a CEMP, which is a requirement of the Council's Environmental Health Officer. This would ensure compliance with the requirements of policies D1 and D2 of the LDP.

### Ground Conditions and Contamination

- 5.8.5 With regard to ground conditions and contamination, the applicant's Preliminary Risk Assessment considers the potential for significant and widespread contaminative impact to be 'low'. No objections have been raised by the Council's Environmental Health Officer and no comments have been raised by the Environment Agency. The

Council's Environmental Health Officer requires a phase 2 contamination and remediation assessment, which can be secured through a planning condition(s).

#### Health Impact

- 5.8.6 Policy E3 of the LDP seeks to enhance the provision of community services and development proposals for improved provision of community services and facilities in a local area will be encouraged. Policy I2 of the LDP requires residential developments of 50 dwellings or more to undertake a Health Impact Assessment and where significant impacts are identified measures to meet health service requirements of the development are provided or secured by planning obligations.
- 5.8.7 As part of the Health Impact Assessment submitted, the following assessment was reached:
1. Housing Quality and Affordability – impact 'positive' or 'uncertain' pending full assessment at the detailed design stage.
  2. Access to Healthcare Services and Other Social Infrastructure – impact 'neutral' or 'uncertain' pending full assessment at the detailed design stage.
  3. Access to Open Space and Nature – impact 'positive'.
  4. Air Quality, Noise and Neighbourhood Amenity – impact 'uncertain' pending full assessment at the detailed design stage but air and noise impact once development complete expected to be 'neutral'.
  5. Accessibility and Active Travel – impact 'positive' or 'uncertain' at this stage.
  6. Crime Reduction and Community Safety – impact 'positive'.
  7. Access to Healthy Food – impact 'neutral'.
  8. Access to Work and Training – impact 'positive' or neutral'.
  9. Social Cohesion and Lifetime Neighbourhoods – impact 'positive' or 'neutral'.
  10. Minimising the Use of Resources – impact 'positive'.
  11. Climate Change – impact 'positive'.
- 5.8.8 The applicant's Health Impact Assessment concludes that the proposed development would not raise any significant adverse impacts in respect of public health and Southminster is assessed to have a positive influence on health and well-being of prospective residents and the existing town community.
- 5.8.9 The consultation response from the NHS raises no objection subject to a financial contribution of £54,000 towards local healthcare improvements which would be secured through a planning obligation in a S106 legal agreement.
- 5.8.10 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E3 and I1 of the LDP.

#### Education and Infrastructure

- 5.8.11 Policy E6 of the LDP identifies that the Council will work with partners such as ECC's Infrastructure Officer to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. The policy clarification to policy I1 of the LDP recognises the need for social infrastructure including education to be provided.

- 5.8.12 ECC's Infrastructure Officer has no objection to the proposed development subject to financial contributions being secured through planning obligations to mitigate the impact of the development as explained below:
- 5.8.13 For Early Years and Childcare (EY&C) the consultation response identifies that there are two providers of early years and childcare in the area and a total of four unfilled places were recorded. It is stated that a development of this size can be expected to generate the need for up to 9.9 EY&C places and ECC will be seeking an index linked financial contribution of £197,891.
- 5.8.14 For Primary Education the consultation response identifies that the site would fall within the priority admission area of St Leonards Church of England Primary School which has a published number of 45 place per year. The consultation response states that *'the demand generated by this development would require a contribution towards the creation of 9.9 additional places'*. ECC will be seeking an index linked financial contribution of £659,637.
- 5.8.15 For Secondary Education the priority admission area secondary school for Southminster is Ormiston Rivers Academy. The consultation response states *'that The combined forecast for the area, set out in the 10 Year Plan, suggests a potential deficit in provision for some cohorts'*. The demand generated by this development would require 22 secondary school places and an index linked financial contribution of £604,492. In addition, the proximity of the site to the nearest Secondary School, is deemed as unavailable to be walked, therefore, ECC will be seeking an index linked school transport contribution toward Secondary School Transport of £130,834.
- 5.8.16 For Post-16 education ECC do not require a financial contribution but in accordance with the ECC Developers' Guide to Infrastructure Contributions (Revised 2023), an Employment and Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.
- 5.8.17 In terms of other infrastructure other than education ECC is seeking a contribution towards the expansion of the library service to meet customer needs generated by residential developments of 20 plus homes. The suggested population increase brought about by the proposed development is expected to create additional usage of a local library. Therefore, ECC will be seeking an index linked financial contribution of £8,558 to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.
- 5.8.18 ECC is also seeking monitoring fee of £700 per obligation.
- 5.8.19 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E6 and I1 of the LDP.

#### Statement of Community Involvement

- 5.8.20 As part of the Statement of Community Involvement, it is stated that the proposal was publicised through a dedicated website, leaflets were sent to around 650 households and businesses within the proximity of the site and a letter was sent to the Parish Council, local Councillors and the Member of Parliament.

## **5.9 Sustainability**

- 5.9.1 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption

in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.

- 5.9.2 For the economic objective, the proposal would create employment opportunities for the construction phase. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area.
- 5.9.3 For the social objective, the development would help create a new community at this site and would allow social integration into the existing community which is beneficial for wellbeing in creating health and safe communities. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's 5YHLS.
- 5.9.4 For the environmental objective, the proposed development would allow for the opportunity for the delivery of a high-quality designed housing development, ecology and biodiversity gain, on site surface water management measures to reduce flood risk on and off the site. As identified above the site is located in a sustainable location close to the centre of Southminster for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.
- 5.9.5 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

## **5.10 Planning Obligations**

- 5.10.1 Policy S1 of the LDP states that the Council will apply the following key principles in policy and decision making including at point 11) of the policy to *'identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources'*.
- 5.10.2 Policy I1 of the LDP identifies that *'the Council will work with relevant partners and infrastructure providers to maintain and improve infrastructure provision in the District through delivering the infrastructure associated with development proposals in policies in this Plan'*. The policy also states that *'developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts'*.
- 5.10.3 Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the CIL Regulations) is stated in paragraph 58 of the NPPF, which states that 'planning obligations must only be sought where they meet all of the following tests:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.'
- 5.10.4 The previous application was subject to the following reason based on inadequate information to mitigate the impact of the previous development and therefore not secured through a S106 legal agreement.
  - 1 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the following necessary

planning obligations: A financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, A financial contribution towards the provision of education, Management/maintenance of the public open space and Affordable housing provision. The development would have an adverse impact on those European designated nature conservation sites, would not adequately provide for the educational needs of the future residents of the site, would not ensure that the public open space proposed was appropriately managed and maintained and would not meet the affordable housing needs of the District. The development is, therefore, contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, I1 and I2 of the approved Maldon District Local Development Plan and the NPPF.

5.10.5 The application is accompanied by a draft list of Heads of Terms for a S106 Agreement as follows:

- 30% affordable housing with a tenure split to be agreed
- Provision of open space and equipped play area along with long-term maintenance and management, including off-site commuted sums as applicable
- Off-site sports provision, if necessary
- Improvements to the public highway and sustainable and public transport provision within the vicinity of the site, as necessary

5.10.6 Reference is also made to the applicant being willing to make a financial contribution in relation to the RAMS.

5.10.7 From the consultation responses the following planning obligations have been identified:

#### Affordable Housing

Policy H1 requires 30% affordable housing being secured for 30% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.

#### Education

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £197,891
- Primary Education - £659,637
- Secondary Education - £604,492
- School Transport - £130,834
- Libraries - £8,558
- Monitoring fee - £700 per obligation

#### Highways

A financial contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

### NHS Contribution

A financial contribution of £54,000 towards local healthcare improvements.

### Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £18,639.50.

- 5.10.8 The applicant's agreement to the S106 legal agreement would secure the necessary mitigation and would address the reason of refusal.

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

- 6.1 Relevant planning history within the red outline and within close proximity.

- **23/00459/OUTM** - Outline planning application (with all matters of detail reserved for future determination except for means of access) for the demolition of number 46 Queenborough Road and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. Refused 26.07.2023 for the following reasons:
  - 1 The development, as a result of its location, nature and extent, would cause harm to the character and appearance of this rural site and its surroundings, contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.
  - 2 It has not been demonstrated that the impact of the development on the local highway network is acceptable in terms of highway safety, contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.
  - 3 The development would potentially result in the loss of Grade 3a, Best and Most Versatile agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF.
  - 4 Use of the vehicular access proposed to serve the development would result in noise and disturbance being caused to the occupiers of the neighbouring residential dwelling (no.48 Queensborough Road) to the detriment of their amenity, contrary to Policy D1 of the Maldon District Local Development Plan and the NPPF.
  - 5 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the following necessary planning obligations: A financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, A financial contribution towards the provision of education, Management/maintenance of the public open space and Affordable housing provision. The development would have an adverse impact on those European designated nature conservation sites, would not adequately provide for the educational needs of the future residents of the site, would not ensure that the public open space proposed was appropriate managed and maintained and would not meet the affordable housing needs of the District. The development is, therefore, contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, I1 and I2 of the approved Maldon District Local Development Plan and the NPPF.



## 7. **CONSULTATION AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Object and recommend refusal as the parish Council does not support the application on the basis of the harm caused to character and appearance of the area. The loss of amenity to neighbouring properties. The negative impact on the Southminster Medical Centre and Primary School and the negative impact on the highways network contrary to Policies S1, S2, S8 and D1 of the Local Plan and the NPPF.	The Main Considerations section of this report provides information in regard to all these points
Althorne Parish Council (neighbouring Parish)	Recommend refusal because of: <ul style="list-style-type: none"> <li>• Inadequate highways access</li> <li>• Concerns regarding road safety</li> <li>• Lack of speed calming on Buttons Hill and junction of Summerhill</li> </ul>	The Main Considerations section of this report provides information in regard to all these points. There is no requirements from the Local Highway Authority for the highway requests of the Parish Council so these are no identified by the Local Highway Authority as requirements to mitigate the development

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Anglian Water Services	No objection subject to a condition to secure strategic foul water strategy	A planning condition can be secured as required.
ECC Education and Infrastructure Officer	No objections subject to a financial contributions as follows: <ul style="list-style-type: none"> <li>• £197,891 towards early years and childcare provision</li> <li>• £659,637 towards primary school provision</li> <li>• £604,492 towards secondary school provision</li> <li>• £130,834 towards school transport</li> <li>• £8,558 towards libraries</li> <li>• And a monitoring fee of £700 per obligations. An Employment and Skills Plan should be prepared by the developer for the</li> </ul>	Planning obligations in the form of a S106 legal agreement can be secured as required.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	development phase to increase construction employability levels and workforce numbers.	
ECC Highways	<p>No objection subject to conditions requiring a Construction Management Plan; the site access to be provided with the visibility splays on drawing no. 1727/10; requirements for dropped kerb crossing and a 2m footway either side of the access road and a dropped kerb crossing together with tactile paving on Queensborough Road; improvements and dropped kerb at the junction of Queensborough Road with High Street; dropped kerbs and tactile paving at a number of junctions; an Order for securing the diversion of public footpath 1; provision of Residential Travel Information Pack.</p> <p>Planning obligations are necessary for a</p> <ul style="list-style-type: none"> <li>• contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon, and for an updated travel plan with an annual monitoring fee of £1,817 per year from year 1 until final occupation.</li> </ul>	<p>Planning conditions can be secured as required.</p> <p>Planning obligations in the form of a S106 legal agreement can be secured as required.</p>
ECC SuDS Team	No objection subject to conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements	Planning conditions can be secured as required.
Environment Agency	No comment to make as this falls outside their consultation criteria	No comment.
Essex Police Designing Out Crime	Advice provided seeking to ensure the development meets Essex Design Guide requirements, secured by design requirements, traffic management considerations, zero emission fleet and infrastructure strategy	Comments noted.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Natural England	No objection subject to securing appropriate mitigation as the site falls within the Zol for one or more European designated site on the Essex coast. The development will require an Appropriate Assessment to be undertaken by the competent authority.	Planning conditions can be secured as required for ecological mitigation.  Planning obligations in the form of a S106 legal agreement can be secured as required for Essex RAMS.
NHS Property Services	No objection subject to a financial contribution of £54,000 being secured through a planning obligation to local healthcare capacity improvements	Planning obligations in the form of a S106 legal agreement can be secured as required.
Place Services Archaeology	No objection to subject to a phased archaeological condition being secured	A planning condition can be secured as required
Place Services Ecology	No objection subject to conditions requiring the actions of the Ecological Impact Assessment to be implemented, a CEMP for biodiversity, a Biodiversity Enhancement Strategy, details of wildlife sensitive lighting, Landscape and Ecological Management Plan. One optional condition, one for a Habitat Management and Monitoring Plan (HMMP), otherwise the standard BNG condition or be included as an informative.	Planning conditions can be secured as required for ecological mitigation.  Planning obligations in the form of a section 106 legal agreement can be secured as required for Essex RAMS.
Place Services Tree Consultant	No objection subject to a condition requiring the retention and protection of existing trees.	A planning condition can be secured as required.
Sport England	No comments to make	No comment.

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No objection as the proposed development would cause a very low degree of 'less than substantial harm' to the significance of the grade II listed Spratt's Farmhouse (52 Queenborough Road). In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal.	No comment.
Environmental Health	No objection to conditions requiring a phase 2 contamination and remediation assessment, a CEMP,	Planning conditions can be secured as required.

Name of Internal Consultee	Comment	Officer Response
	and a condition requiring an acoustic fence/barrier along the boundary	
Housing	No objection subject to securing affordable housing in accordance with the housing needs of the District. That is for 30% of the development to be for affordable housing provision split as 75% affordable rent and 25% intermediate affordable housing	Planning obligations in the form of a S106 legal agreement can be secured as required for affordable housing.
Place Officer	<p>No objection as the principle of development is established via the LDP Review, Call for Sites consultation.</p> <p>It is noted that a design approach for RMs is set out in the submitted D&amp;A Statement (National Design Guide principles) and MDDG SPD for local character, appropriate scale, materials and detailing (including Essex Design Guide for Road Type Table, garden sizes, back to back distances).</p> <p>Subject to the density established at 35 dwellings per hectare and building heights not exceeding 2 storey no objections are raised at this Outline Stage.</p>	Planning conditions can be secured as required.

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

7.4.1 **342** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Harm to the character and appearance of this rural site and its surroundings contrary to policies S1, S8 and D1 and the NPPF	Comment noted, please see sections 3.1 and 5.1 of the report.
Loss of Grade 3a, 'Best and Most Versatile' agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF	Comment noted, please see sections 3.1 and 5.1 of the report.
Southminster Primary school is at capacity with no scope to expand	Comment noted but the Education Authority do not object and have require a financial contribution to mitigate the impact of the development upon the primary school. Please see section 5.8 of the report.
In school year 2021/22 Orminston River Academy was over capacity by 76 places	Comment noted but the Education Authority do not object and have require a financial contribution to mitigate the impact of the development upon the

Objection Comment	Officer Response
	secondary school and secondary school transport. Please see section 5.8 of the report.
William Fisher Medical Centre is already below the recognised standards of provision for the existing population, causing patients to suffer exponentially long waiting times for appointments	Comment noted but the NHS do not object and require a financial contribution to mitigate the impact of the development upon local healthcare services. Please see section 5.8 of the report.
At specific times of the day such as 'school runs', the rush hours and the arrival and departure of commuter trains at Southminster Station, the road network in the centre of the village including North Street and Queenborough Road, are often impassable to large vehicles due to parked cars on either side of the road	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The volume of traffic during these peak times creates an unacceptable level of vehicular air pollution	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Highways refused the prior application, but have now waived that and asked for a £310,000 contribution	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The proposed vehicular access to the development and vehicular movements within the development, would result in noise and disturbance including light pollution being caused to the occupiers of the neighbouring residential dwellings, particularly in households in Queenborough road	Comment noted but please see sections 3.1 and 5.7 of the report.
In consideration of other issues and the information provided by the applicant, the development is considered to be contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, 11 and 12 of the approved Maldon District Local Development Plan and the NPPF	Comment noted but please see section 5 of the report.
The development will destroy wildlife habitat	The proposal would result in BNG and no objections have been raised by Place Services Ecology nor Natural England subject to conditions and a planning obligation for Essex RAMS.
The development will destroy the country footpaths	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The only local dentists are in Burnham-on-Crouch and they have waiting lists of over 12 months	Comment noted.
Developers encourage new residents to cycle but it is becoming too dangerous with the increased amount of traffic on our narrow roads that are full of potholes	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The noise of construction to nearby residents	A planning condition can secure a Construction Management Plan for the construction phase of the development.
Queenborough Road is totally unsuitable for	Comment noted but the Local Highway

<b>Objection Comment</b>	<b>Officer Response</b>
another 200+ cars. It is a narrow road with cars of local residents parked on both sides and the exit onto the High Street is dangerous at the best of times.	Authority do not object to the application and please see section 5.4 of the report.
There are very few facilities in Southminster	Southminster is recognised as a 'larger village' in policy S8 and has services and transport links.
Southminster simply cannot cope with this level of development	Comment noted.
The drainage system in the fields on that side of Southminster are also dated and under pressure and cannot cope with the existing run off, let alone the waste from another 110 houses.	A surface water drainage system would be installed as part of the development to manage on site surface water.
Southminster has NO local emergency services.	Comment noted.
Southminster is already listed as one of the poorest deprived areas in Essex, and this will just make it worse.	Comment noted.
Lack of public support.	Comment noted.
Traffic Assessment is out of date and since access plans have changed it is not valid for the new design.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Stopping distances are not sufficient under wet conditions.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Access road to be in 2.1m of the boundary of 48 Queensborough Road.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Access would be 1.2m from driveway of 48 Queensborough Road.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Light pollution from vehicles shining into 48 Queensborough Road.	Please see section 5.7 of the report which has assessed this.
Noise level will be too high exasperated when windows are open at 48 Queensborough Road.	Please see section 5.7 of the report which has assessed this.
Air pollution into 48 Queensborough Road.	Please see section 5.8 of the report which has assessed this.
Removal of trees.	Please see section 5.3 of the report which has assessed this. There are no objections from the Place Services Tree Consultant on tree removal.
Potential for damage to frontage wall at 48 Queensborough Road.	Any damage to a neighbours wall during the construction process would be a civil matter between the landowners to resolve.

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

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

Affordable Housing

Policy H1 requires 30% affordable housing being secured for 30% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.

Education

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £197,891
- Primary Education - £659,637
- Secondary Education - £604,492
- School Transport - £130,834
- Libraries - £8,558
- Monitoring fee - £700 per obligation

Highways

A financial contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

NHS Contribution

A financial contribution of £54,000 towards local healthcare improvements.

Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £18,639.50.

**PROPOSED CONDITIONS:**

**Submission of Outstanding Reserved Matters**

1. The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.

**Time Limit for the Submission of the Outstanding Reserved Matters**

2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Time Limit for the Commencement of the Outline Planning Permission**

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

4. The reserved matters shall be submitted in accordance with the details set out in the following approved plans:

- 11096-L-01 P04 - Location Plan
- 1727/10 Rev B – Proposed Access Arrangements
- 1727/11 – Proposed Wall Pillar

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

### **Plan to Influence the Reserved Matters**

5. The details submitted pursuant to Condition 1 (the reserved matters) shall be broadly in accordance with the Development Framework Plan (drawing ref: 11096-L-02 Rev P19).

REASON: To ensure that the development is carried out in broad accordance with the Development Framework Plan.

### **Housing Mix**

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

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

### **Maximum Height for the Development**

7. The development shall be a maximum of two storeys in height.

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

### **Levels**

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



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

### **Materials**

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

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

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

### **Boundary Treatment**

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

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

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

### **Landscaping**

11. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

### **Tree and Hedge Retention**

12. The trees and hedges identified for retention on the approved plan drawing number(s) 11096-T-02 Rev F from the Arboricultural Impact Assessment shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

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

### **Highways Construction Management Plan**

13. 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 provide for:
- a) vehicle routing
  - b) the parking of vehicles of site operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials used in constructing the development
  - e) wheel and underbody washing facilities

The construction period of the development shall be carried out throughout its duration in accordance with the Construction Management Plan.

**REASON:** To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

### **Visibility Splays**

14. Prior to the first occupation of the development, the site access on Queenborough Road shall be constructed and provided in accordance with visibility splays as shown in Ashley Helme Associates' Drawing no 1727/10 Rev B and these visibility splays shall be maintained clear and free from obstruction at all times thereafter.

**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 adopted Maldon District Local Development Plan.

### **Site Access**

15. Prior to the first occupation of the development and as shown in principle in Ashley Helme Associates' Drawing no 1727/10 Rev B, the site access and the area around it shall be constructed and provided in accordance with the following:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed new junction;
- A 2 metre footway on either side of the proposed access road;
- Dropped kerb crossing together with tactile paving on Queenborough Road at a point approximately 70m south of the proposed access junction.

The site access shall be carried out in accordance with these details and once constructed the above requirements shall be maintained and retained at all times thereafter.

REASON: To provide safe access for both pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Pedestrian Crossing Point**

16. Prior to the first occupation of the development, the kerbing at the junction of Queenborough Road with High Street shall be improved and include a dropped kerb and tactile paving crossing as shown in principle in Drawing 1727/08 Rev B of the Transport Assessment. The kerbing at the junction of Queenborough Road with High Street shall be carried out in accordance with these details as approved and once constructed they shall be maintained and retained at all times thereafter.

REASON: To improve inter-visibility between vehicles on High Street and Queenborough Road, in the interests of the safety of pedestrians and the mobility-impaired, and in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Off Site Pedestrian Crossing Points**

17. Prior to the first occupation of the development, pedestrian dropped kerbs and tactile paving shall be provided with the precise locations and details of these shall be submitted to and approved in writing by the local planning authority for the following locations:

- The bellmouth of Coombe Road at its junction with Queenborough Road;
- The bellmouth of Regents Close at its junction with Queenborough Road;
- The bellmouth of Pump Mead Close at its junction with Queenborough Road; and
- The bellmouth of North Street at its junction North End.

The pedestrian dropped kerbs and tactile paving shall be carried out in accordance with these details as approved and once constructed they shall be maintained and retained at all times thereafter.

**REASON:** To provide safe access for both pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Footpath Provision**

18. The reserved matters for the approval of layout shall include a scheme of works to provide a footpath at or near the southern boundary of the site as shown indicatively on the Development Framework Plan drawing no. 11096-L-02 Rev P19. The details shall include appropriate surfacing, construction and confirmed alignment. The approved footpath shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**REASON:** In the interests of pedestrian accessibility and in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Alternative Access Route to the Builders Yard**

19. The reserved matters for the approval of layout shall include details of an alternative access route to the builder's yard from the internal site access road shall be submitted to and approved in writing by the local planning authority. This shall include an agreed method to prevent vehicles from using the existing private access track. The alternative access route shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**REASON:** To reduce the potential for conflicting movements between users of the builder's yard and the new development at the junction with Queenborough Road, in the interests of safety and in accordance with policy T2 of the adopted Maldon District Local Development Plan.

### **Updated Travel Plan**

20. Prior to the first occupation of the development, the Developer shall submit in writing an updated residential travel plan to the local planning authority for approval in consultation with Essex County Council. The approved travel plan shall be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. Monitoring of the travel plan shall be undertaken in accordance with the details of the planning obligation which requires a monitoring fee to be provided.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Residential Travel Information Pack**

21. Prior to the first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the local planning authority in consultation with Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the local planning authority

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

## **Parking**

22. The reserved matters for the approval of layout shall include land reserved for the parking and / or garaging of private cars/motor vehicles/electric vehicles and charging points.

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

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

## **Cycle Parking**

23. The reserved matters for the approval of layout, appearance and scale shall include details of bicycle and powered two wheel storage facilities for each dwelling.

The bicycle and powered two wheel storage facilities shall be constructed and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

## **Amenity Space Provision**

24. The reserved matters for the approval of layout and landscaping shall private amenity space for each dwelling in accordance with the requirements of the Maldon District Design Guide SPD.

REASON: To ensure the occupiers of each dwelling has access to an appropriate area of private amenity space in accordance with policy D1 of the adopted Maldon District Local Development Plan and the Maldon District Design Guide SPD.

## **Public Open Space Provision**

25. The reserved matters for the approval of layout and landscaping shall include public open space in broad accordance with the land identified for such purposes on the Development Framework Plan drawing no. 11096-L-02 Rev P19.

REASON: To ensure the occupiers of the site have appropriate access to public open space in accordance with policy D1 of the adopted Maldon District Local Development Plan and the Maldon District Design Guide SPD.

## **Management of Open Space**

26. Prior to the first occupation of the development, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the local planning authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.

REASON: To ensure the site is managed and maintained for the benefit of the users of the site and its implications on the surrounding area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

## Surface Water Drainage Scheme

27. No development except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - b) Limiting discharge rates to 9.2l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party/all relevant permissions to discharge from the site into any outfall should be demonstrated.
  - c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - e) Final modelling and calculations for all areas of the drainage system.
  - f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Permeable paving must be provided within the shared roads and driveways.
  - g) Detailed engineering drawings of each component of the drainage scheme.
  - h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - i) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

### REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Scheme to Minimise Off Site Flooding**

28. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Maintenance Plan for Surface Water Drainage Scheme**

29. Prior to the first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Foul Drainage Strategy**

30. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local planning authority, in consultation with Anglian Water. This strategy should identify the connection point to the 225mm sewer at MH7003 located in Queenborough Road at National Grid reference (NGR) TL 95744 00023 . Prior to the first occupation of the development, the foul water drainage works shall have been carried out in complete accordance with the approved scheme.

REASON: To reduce the impacts of flooding and potential pollution risk in accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Ecological Mitigation**

31. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (FPCR Ltd, February 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

## **Biodiversity Construction Environmental Management Plan**

32. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

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

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

## **Biodiversity Enhancement Strategy**

33. 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 (FPCR Ltd, February 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:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

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



## **Lighting Strategy**

34. Prior to the first occupation of the development, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

## **Landscape and Ecological Management Plan**

35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan

will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

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

### **Acoustic Fence**

36. The reserved matters for the approval of layout shall include details of an acoustic fence that shall be located within the site but adjacent to the existing boundary of 48 Queensborough Road, and shall include details its acoustic performance to mitigate noise arising from the development, and in particular traffic using the access road.

Prior to the first occupation of the development, the acoustic fence as approved through the reserved matters shall be installed and shall then be maintained and retained in its approved location at all times thereafter.

**REASON:** To ensure the amenities of the occupiers of 48 Queensborough Road are not subject to excessive noise and disturbance from activity and passing traffic using the access road in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Archaeology**

37. No development or preliminary groundworks of any kind shall take place until:

- Part 1 - A programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the local planning authority's archaeological advisors.
- Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.
- Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the local planning authority.
- Part 5 - The applicant has submitted a post excavation assessment which has been submitted to and approved in writing by the local planning authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
- Part 6 – Suitable provision has been for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**REASON:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the adopted Maldon District Local Development Plan.

## **Phase 2 Contamination and Risk Assessment**

38. No development shall commence until a phase 2 intrusive site investigation and risk assessment has been carried out and the findings submitted to and approved in writing with the local planning authority. The report of the findings must include:

1. A survey of the extent, scale and nature of contamination;
2. An assessment of the potential risks to:
  - a) Human health
  - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land
  - d) Groundwaters and surface waters
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments

An appraisal of the remediation options shall include timescales and phasing of remediation works. 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

## **Energy Efficiency and Renewable Energy**

39. The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling.

The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.

REASON: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

## **Refuse and Recycling**

40. The reserved matters for the approval of layout and appearance shall include full details of the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points if necessary.

The bin and recycling stores as approved shall be provided prior to the first occupation of each dwelling and shall be constructed and permanently retained at all times thereafter.

**REASON:** In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

### **Superfast Broadband Strategy**

41. No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

**REASON:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 119 of the NPPF.

### **Construction Environmental Management Plan**

42. No demolition or construction works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (d) Details of any temporary hardstandings;
  - (e) Details of temporary hoarding;
  - (f) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
  - (g) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
  - (h) Measures to reduce dust with air quality mitigation and monitoring,
  - (i) Measures for water management including waste water and surface water discharge;
  - (j) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
  - (k) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
  - (l) A Site Waste Management Plan,
  - (m) Details of security lighting layout and design; and
  - (n) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP.  
REASON: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy D1 and D2 of the adopted Maldon District Local Development Plan.

## **INFORMATIVE**

### **Biodiversity Net Gain**

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

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

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

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

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

## **APPLICATION PLANS / DOCUMENTS:**

The application is accompanied by a number of supporting documents:

- Location Plan 11096-L-01 P4
- Development Framework Plan 11096-L-02 P14
- Proposed Access Arrangements 1727/10 Rev B
- Proposed Wall Pillar 1727/11
- Planning Statement
- Agricultural Land Report Air Quality Assessment
- Arboricultural Impact Assessment
- BNG Metric
- Biodiversity Validation Checklist
- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Health Impact Assessment
- Heritage Statement
- Landscape and Visual Appraisal

- Noise Screening Letter
- Preliminary Risk Assessment
- Socio-Economic Benefits Statement
- Statement of Community Involvement
- Transport Assessment and Designers Response Report
- Travel Plan