

06 October 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



APOLOGIES: Committee Services
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 14 OCTOBER 2026 at 7.30 pm**

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

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

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

A copy of the agenda is attached.

Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

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



AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE

WEDNESDAY 14 OCTOBER 2026

1. **Chairperson's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 16 September 2026, (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **26/00045/FUL - Clay Pigeon Shoot, Steeple Road, Latchingdon** (Pages 13 - 28)

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

6. **26/00506/FUL - Downhall Yard, Downhall Road, Bradwell on Sea, CM0 7QP**
(Pages 29 - 40)

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

7. **25/00851/OUTM - Fairfield, Burnham Road, Latchingdon, Chelmsford, Essex, CM3 6HA** (Pages 41 - 74)

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

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5, 6 and 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

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

Fire

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

MALDON DISTRICT COUNCIL

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](#)
- [Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [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 \(NPPF\)](#) New NPPF published 17 August 2026
- [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 \(RAMS\) 2026 SPD](#)

- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five-Year Housing Land Annual Supply Statement – February 2025](#)

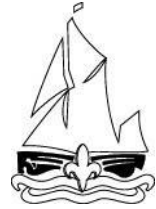
Local-scale

- [Heybridge Basin Village Design Statement – 2006](#)
- [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 2021](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
 - [Assessment of Selected Sites](#)
 - [Maldon District Local Wildlife Sites Register 2022](#)
 - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
 - [Appendix G](#)
 - [Appendix H](#)
 - [Appendix I](#)
 - [Appendix J](#)

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



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
16 SEPTEMBER 2026**

PRESENT

Vice-Chairperson (in the chair)	Councillor A Fittock
Councillors	M G Bassenger, V J Bell, A S Fluker, L J Haywood, M G Neall, R G Pratt, U G C Siddall-Norman and W Stamp, CC
Officers (Maldon District Council)	Mr Johnson, Head of Development Management and Building Control Mr Bailey, Principal Planning Officer

1. CHAIRPERSON'S NOTICES

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D O Bown and W J Laybourn.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 22 July 2026 be approved and confirmed.

4. DISCLOSURE OF INTEREST

There were none.

5. 26/00089/FUL 3 THE PADDOCKS, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QA

Application Number	26/00089/FUL
Location	3 The Paddocks, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA
Proposal	Subdivide Plot 3 The Paddocks to create two smaller chalet-style bungalows, the total floor area being equivalent to that of the originally approved single dwelling.
Applicant	Mr Goulding
Agent	Mr Oscar Dickens - Design Designed Ltd

Target Decision Date	18 September 2026 (EoT)
Case Officer	Matt Bailey
Parish	Burnham-on-Crouch North
Reason for Referral to the Committee / Council	Departure from Local Plan

An Addendum was published prior to the meeting with an update to section 5.1 of the report to provide a clearer assessment of the proposed scheme against the policies contained within the National Planning Policy Framework (2026).

The Officer presented the report.

A discussion then took place between Members and Officers regarding whether the application constituted infill development and the precedent that approval might set. Members also considered the availability of infrastructure at the site, particularly in relation to electricity supply, the housing needs of the area, and whether the character and design of the proposed dwellings were in keeping with surrounding properties.

Following this Councillor G Pratt proposed that the Committee approve the application in line with Officers recommendations. This was duly seconded. Upon a vote being taken this proposal was approved.

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

1. **Time Limit**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. **Compliance with Plans**
The development shall be carried out in complete accordance with the approved plans and documents listed in the decision notice.
3. **Material Details**
No external facing or roofing material shall be applied unless and until details and samples of all external materials, including brick plinths, render, weatherboarding, roof coverings, windows, doors and rainwater goods, have been submitted to and approved in writing by the local planning authority. The development shall be completed and retained in accordance with the approved details.
4. **Hard and Soft Landscaping**
Before construction proceeds above ground-floor slab level, a detailed hard and soft landscaping scheme and boundary-treatment plan shall be submitted to and approved in writing by the local planning authority. The details shall include species, sizes, densities and planting positions; retained vegetation; hard-surface materials; all walls, fences and gates; and an implementation and five-year replacement programme. The approved hard landscaping and boundary treatment shall be completed before first occupation. All planting shall be carried out in the first planting season following first occupation, and any plant that dies, is removed or becomes seriously damaged or diseased within five years shall be replaced in the next planting season with one of similar size and species.
5. **Construction Environmental Management Plan (CEMP)**

No development shall take place within each phase, including any ground works or demolition, until a CEMP has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following details:

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

The construction of the development shall be carried out in accordance with the CEMP as approved and shall be adhered to at all times thereafter.

6. **Construction Timings**

During construction, demolition or site-clearance works, no powered machinery shall be operated, no process shall be carried out and no delivery to or collection from the site shall take place other than between 07:30 and 18:00 Monday to Friday and between 08:00 and 13:00 on Saturdays. No such activity shall take place on Sundays or public holidays.

7. **Surface Water Drainage**

Before construction proceeds above ground-floor slab level, a detailed surface-water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include design calculations, discharge location and rate, finished levels, exceedance routes, measures to prevent flooding of land outside the site, and a management and maintenance plan identifying the responsible body for the lifetime of the development. The approved scheme shall be fully implemented before first occupation and thereafter managed and maintained in accordance with the approved arrangements.

8. **Contamination**

If, during development, contamination not previously identified is found to be present, no further development shall be carried out in the affected area until a remediation strategy detailing how that contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be implemented and a verification report submitted to and approved in writing before occupation of the affected dwelling.

9. **Parking Provision**

No dwelling shall be occupied until the vehicle parking and turning areas serving that dwelling have been laid out, hard surfaced and made available in accordance with the approved plans. Those areas shall thereafter be retained solely for the parking and turning of vehicles and kept free of obstruction.

10. **Cycle and Waste Storage**

Before first occupation of each dwelling, secure and weather-protected cycle storage and enclosed refuse and recycling storage shall be provided for that dwelling and thereafter retained and kept available for those purposes.

11. **Preliminary Ecological Appraisal Compliance**

The development shall be carried out in full accordance with the impact-avoidance, mitigation and precautionary measures contained in the submitted Preliminary Ecological Appraisal. All measures shall be implemented at the stated stages and thereafter retained where applicable.

12. **Biodiversity Enhancement Strategy**

Before construction proceeds above ground-floor slab level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. It shall identify the purpose and conservation objectives of the enhancements; detailed designs and locations of habitat and species features; persons responsible for implementation; timing; and arrangements for maintenance. The strategy shall include integrated bird and bat features and shall be implemented before first occupation and retained thereafter.

13. **Sensitive Lighting**

Before any external lighting is installed, a wildlife-sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall identify dark zones and sensitive ecological features, provide luminaire specifications, positions, heights, orientations, shielding and predicted light levels, and demonstrate accordance with current Bat Conservation Trust and Institution of Lighting Professionals guidance, including Guidance Note 08/23. Only the approved lighting shall be installed, and it shall thereafter be operated and maintained in accordance with the approved scheme.

14. **Habitat Management and Monitoring Plan**

No development shall commence, apart from preliminary site investigation, until a Habitat Management and Monitoring Plan covering a period of at least 30 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the final habitat baseline and condition targets; habitat creation and management prescriptions; responsibilities, funding and contingencies; monitoring methodology; and submission of monitoring reports in years 1, 3, 5, 10, 15, 20, 25 and 30. The approved plan shall be implemented in full. Any remedial action identified by monitoring shall be carried out within the timetable agreed in writing with the Local Planning Authority.

15. **Tree Protection**

All retained trees and hedges shall be protected and the development carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. Protective fencing shall be erected before any site clearance, excavation, delivery of materials or construction begins, retained for the duration of the works and removed only after completion. Within protected areas there shall be no excavation, level change, storage, mixing, fires, service installation or vehicle movement unless expressly authorised by the approved arboricultural documents.

16. **Permitted Development Rights Removal**

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting it, no enlargement, improvement or other alteration within Classes A, B or C of Part 1 of Schedule 2 and no building or enclosure within Class E shall be carried out without express planning permission.

There being no other items of business the Chairperson closed the meeting at 8.02 pm.

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CHAIRPERSON

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

**To
SOUTH EASTERN AREA PLANNING COMMITTEE
14 OCTOBER 2026**

Application Number	26/00045/FUL
Location	Clay Pigeon Shoot Steeple Road Latchingdon
Proposal	Demolition of the existing barn and erection of a new dwellinghouse (Class C3) with associated parking and landscaping
Applicant	Mr J Emans
Agent	Miss Kate Jennings – Whirledge & Nott
Target Decision Date	15.10.2026 (EOT)
Case Officer	Jade Elles
Parish	Latchingdon
Reason for Referral to the Committee / Council	Choose an item. Departure from the Local Plan Choose an item.

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Steeple Road outside the settlement boundary of Latchingdon. The building, the subject of this report, is a single storey detached building, which has been used in association with clay pigeon shooting at the site. The building is a timber framed and clad building with a metal profile roof and is located over 85 metres to the north east of Brook Hall Farm.
- 3.1.2 Planning permission is sought for the demolition of the existing building and the erection of a new dwelling with associated parking and landscaping.
- 3.1.3 The proposed dwelling would be 15.7 metres in width, 5.6 metres in depth, have a ridge height of 5.3 metres and an eaves height of 2.6 metres. The materials proposed would be soft red brick plinth and black timber weatherboarding walls, clay plain tiles and black framed casement doubled glazed windows. The layout of the proposed dwelling would be an open plan hallway kitchen living area which would lead into two bedrooms and a bathroom.
- 3.1.4 The application is submitted following the recent approval for the same works under reference number 25/00429/PACUAR, which represents a relevant fall-back. This application has changed in the way of design which will be assessed separately in this report.

3.2 Conclusion

- 3.2.1 The application is located of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the Local Plan.
- 3.2.2 As explained in the report, whilst the site is not considered to be in a sustainable location, due to the fallback position that exists at the site by virtue of the recently granted permission, the principle of development is considered acceptable.
- 3.2.3 The proposed works are considered acceptable and in keeping with the local area in term of scale and design and would not result in harm in terms of residential amenity, highways safety or ecology and biodiversity.
- 3.2.4 It is considered that the proposed development accords with all relevant policies contained within the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended approval.

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:

- Chapter 3 - Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 - Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements

- S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO11 Isolated homes in the countryside
- Chapter 12 - Making effective use of land
 - L2 Making effective use of land
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 - Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts
- Chapter 17 - Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
- Chapter 19 - Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N6 Areas of particular importance for biodiversity and geodiversity

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
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure 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 (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD)

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 Policy DM3 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.
- 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 *“(m) development which complies with other policies of the LDP”*.

Five-Year Housing Land Supply (5YHLS)

- 5.1.5 Policy S5 of the NPPF allows for certain forms of development to be approved outside of settlements through point (j) of the policy this includes development which would address an evidence unmet need including where a Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites (5YHLS). This is subject to the following test relevant to this, which is point (j) (i) being physically well related to an existing settlement and of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure. For this site it is considered the requirements of policy S5 of the NPPF are met.
- 5.1.6 As per Annex D of the NPPF, the Council as the LPA for the Maldon District should “identify and update annually a supply of specific deliverable sites”. Maldon District Council 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 years’ supply.
- 5.1.7 Currently the Council can only demonstrate 4.1 years’ worth of housing land supply which was officially stated and agreed at the Council meeting on 12 February 2026, however, since then appeal decisions have stated lower figures. This is due to change through the latest NPPF (2026) 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.

- 5.1.8 Whilst the proposal is considered contrary to policy S8 of the LDP, 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 shall need to be considered on the basis of whether they are sustainable or not.
- 5.1.9 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's presumption in favour of sustainable development applies.

Sustainable Development

- 5.1.10 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 requirements of policy S3 of the NPPF applies. There are three dimensions to sustainable development as defined in Paragraph 17 of the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimensions

- 5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of planning permission for a new dwelling is a material consideration of significant weight. The planning permission establishes the principle of a residential unit on the site and represents a genuine and realistic fallback position that could be implemented were this application to be refused and the extant consent remains capable of implementation.
- 5.1.13 National policy and case law (including *Mansell v Tonbridge & Malling BC* along with other more recent appeal decisions) confirm that a fallback may be afforded substantial weight where there is a reasonable prospect that it would be pursued. In this case, there is no evidence to suggest that the applicant would not proceed with the previous planning permission. Given the existence of the 2025 planning permission, this is considered an alternative to the new build scheme now proposed. Therefore, in light of the established fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.

Social Dimension

- 5.1.14 The development would make a minor contribution towards the supply of housing within the District as only a single dwelling is proposed.

Economic Dimension

- 5.1.15 The development would make a minor contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

Summary of Principle of Development

- 5.1.16 Whilst the development is considered to be in an unsustainable location, outside of any settlement boundary and contrary to Policy S8 of the LDP, due to the fallback position that exists at the site by virtue of the recently granted planning permission for a new dwelling, and the realistic prospect of that scheme being implemented in any event if this planning permission were to be refused, the principle of creating a single residential unit at the site is considered acceptable, subject to compliance with all other relevant policies contained within the LDP.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF requires LPAs to establish their minimum local housing need through a Local Housing Needs Assessment (LHNA), using the standard method set out in NPPG. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published LHNA (October 2025) is an assessment of housing need for Maldon District as well as sub areas across the district. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of houses, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the district has an increasing need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, 10% one-bedrooms, 35% two-bedrooms, 35% three-bedrooms and 20% for four+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 hectares (ha)) the LHNA guidance will be used to influence a mix of unit sizes but notes that the delivery of a precise mix on such schemes is not always achievable; due to the often-constrained nature of small site development.
- 5.2.5 The proposal in this case would provide for an additional two-bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of the largest identified group within the LHNA), given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.3 Design and Impact on the Character of the Area

- 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. Furthermore, the basis of policy D1 of

the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, 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 the original building 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.
- 5.3.4 Similar support for high-quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The scale, form and massing of the proposed new build scheme is broadly similar to the prior approval scheme; with alterations to the roof and shape. Whereas the prior approval scheme was of a squashed T-shape, the proposed dwelling subject to this application is of a long rectangular shape, however, the floorspace would be slightly smaller than the extant permission. With regards to the roof, it would no longer have a low gable and have a more common gabled roof type for a residential dwelling. The proposed materials would be typical materials for a dwellinghouse. As such, the current proposal would not give rise to any cause of concerns which would result in a reason for refusal.
- 5.3.7 Although the proposal constitutes a new building rather than a conversion, the resultant effects in the intrinsic character and beauty on the countryside, as referred to policy S8 of the LDP, would be comparable to the existing structure. In light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.
- 5.3.8 Overall, it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with policies S1, S8, D1 and H4 of the LDP and the policies and guidance within the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 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).
- 5.4.2 The proposed dwelling would be approximately 300 metres away from the nearest residential property known as Brook Hall Farm. Therefore, it is considered the proposed dwelling would not give rise to any overlooking or overshadowing and would not be an unneighbourly form of development, in accordance with policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes.
- 5.5.2 The Council's adopted VPS SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 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 and cycle routes.
- 5.5.4 In accordance with the Maldon VPS, a dwelling with two-bedrooms must provide two off-street parking spaces at a scale of 2.9 metres by 5.5 metres. The proposed driveway area indicates that two parking spaces will be provided at the stated scale and as such satisfies this requirement.
- 5.5.5 Essex Highways had been consulted on the proposal and has raised no objection subject to proposed conditions relating to cycle parking and residential travel pack. Due to the size of the proposed works the residential travel pack would be deemed excessive and therefore if the application were to be granted the travel pack condition will not be implemented.
- 5.5.6 For reasons set out above, the proposed development is in accordance with policy T2 of the LDP and the Maldon VPS.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 50m² of private amenity space for dwellings with two-bedrooms.
- 5.6.2 The garden proposed would measure at 86.5sqm which would result in sufficient amenity space for the proposed dwelling.

- 5.6.3 The landscaping details would be of a post and rail fencing around the private amenity space, with native species hedgerow which is considered to be an acceptable number of provisions and be sensitive detailing to the area.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 74sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

5.8 Flood Risk

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 Environmental Health were consulted and raised no concerns in relation to drainage.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2026), Natural Environment and Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive are implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species (EPS) might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.9.2 The site falls within the 'Zone of Influence' (ZOI) for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 – the significance test

Is the development within the Zone of Influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. dwellings)

Test 2 – The integrity test

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

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

- 5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered ‘in combination’ with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 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 £500 and thus, the developer contribution should be calculated at this figure. The applicant has made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.
- 5.9.6 The applicant has submitted a Biodiversity Net Gain (BNG) Statement (December 2025) as well as the BNG Metric. The BNG Statement states the scheme retains the existing trees which will allow for the enhancement of medium distinctiveness grassland and delivers all the BNG on site. The Council's Ecology Consultants has confirmed that there is sufficient ecological information available to support determination of this application subject to conditions which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity.

5.10 Planning Balance and Sustainability

- 5.10.1 One of the key priorities within the NPPF 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 an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above in light of the fallback, the principle of development is considered acceptable. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.

5.10.3 Whilst the contribution that an additional dwelling would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits; and as such the development is considered sustainable. The proposal therefore accords with Policies S1, S8, D1, H4 and T2 of the LDP.

5.11 Other Matters

5.11.1 Pre commencement condition is recommended, and the agent was written to on 23 September 2026 to advise of the intention to use this condition. The agent has advised there is no objection to the imposition of the suggested conditions.

5.11.2 Pre commencement conditions in relation to a Method Statement. It is considered necessary on the grounds that the site is within 50 metres of a tributary of a small watercourse and the Method Statement would provide precautionary measures to reduce any potential impacts to the watercourse. Therefore, these matters are considered necessary.

6. ANY RELEVANT SITE HISTORY

- **25/00429/PACUAR** - Prior approval application for the change of use of a building on an agricultural unit to one dwellinghouse (Class C3), which include building operations reasonably necessary for the conversion, Approved 18 July 2025

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response at the time of writing the report	N/A

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services: Ecology	No objections subject to conditions relating to mitigations measures, pollution control, biodiversity enhancement strategy and sensitive lighting	Noted.
Essex Highways	No objections subject to conditions relating to cycle parking and residential travel information pack.	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions relating to contamination and construction	Noted.

Name of Internal Consultee	Comment	Officer Response
	working hours	

7.4 Site Notice / Advertisement

- 7.4.1 Notice was also given by way of a newspaper advertisement posed in the Maldon and Burnham Standard, published on 26 February 2026 (with an expiry date for comments set at 10 April 2026).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No third part comments have been received in relation to the proposals

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide Supplementary Planning Document.
4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (PlumbAssociates, April 2026) 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).
5. A Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to the watercourse during the construction phase.
The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
REASON To protect the watercourse from pollution and allow the LPA to discharge its duties under Section 15 of the NPPF 2024.

6. 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 Preliminary Ecological Appraisal and Preliminary Roost Assessment (PlumbAssociates, April 2026), 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 NPPF 2024 and s40 of the NERC Act 2006 (as amended).

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

8. Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility shall be secure, convenient and retained at all times.
REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy T1 of the LDP.

9. If unexpected contamination is encountered during development, works shall cease and a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before works recommence.
REASON To ensure the site is suitable for residential use and to protect human health in accordance with Policy D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

10. No demolition or construction works audible at the site boundary shall take place outside:
- 07:30- 18:00 Monday to Friday
 - 08:00 -13:00 Saturdays
 - No works on Sundays or Bank Holidays
- REASON To protect the amenity of nearby residents in accordance with Policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

Highways

- Detailed parking arrangements have not been considered as Maldon District Council are the parking authority and retain their own standards.
- There shall be no discharge of surface water from the development onto the Highway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 OCTOBER 2026**

Application Number	26/00506/FUL
Location	Downhall Yard, Downhall Road, Bradwell on Sea, CM0 7QP
Proposal	Construction of two replacement buildings to create 10 Commercial Units (Retrospective) together with demolition and rebuilding of the toilet block and associated car parking and landscaping.
Applicant	Mr A Thurtle – Portflair Ltd
Agent	Ms Sarah Threlfall – TMA Chartered Surveyors
Target Decision Date	21 October 2026
Case Officer	Hayley Sadler
Parish	Bradwell on Sea
Reason for Referral to the Committee / Council	Member Call In Cllr Neale has called in the application for the following policy reasons: LDP policy S8 (Settlement Boundaries and the Countryside), E1 (Employment), D1 (Design Quality and Built Environment), D2 (Climate Change & Environmental Impact of New Development)

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

26/00506/FUL – Downhall Yard – Downhall Road –
Bradwell on Sea – CM0 7QP



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Downhall Road outside the settlement boundary of Bradwell on Sea. The site is occupied by an area of previously undeveloped land. The area has mostly been cleared, and ten commercial units have been constructed.
- 3.1.2 Planning permission is sought for the construction of two replacement buildings to create ten commercial units. This element of the proposed development has been constructed and therefore is retrospective in nature. Permission is also sought for the demolition of the existing toilet block and construction of a new toilet block, associated car parking and landscaping, which would include the re-use of an additional access.
- 3.1.3 Block 1 of the commercial units measures 36 metres in width, 8 metres in depth, an eaves height of 4 metres and a ridge height of 5 metres and is split up into six units. Block 2 of the commercial units measures 28 metres in width, 8 metres in depth, an eaves height of 4 metres and a ridge height of 5 metres and is split up into four units. Both blocks have a pitched roof and have been constructed with powder coated black metal sheeting walls, powder coated anthracite metal sheeting roof with double skin roof lights and grey doors and roller shutter doors.
- 3.1.4 The proposed toilet block would measure 13.5 metres in width, 5.5 metres in depth and maximum height of 3.3 metres, the building would have a pitched roof and would be split into two sections (one male, one female), four windows are proposed to the front elevation and two single doors are proposed to each side elevation. Each section will have toilets, including an easy access toilet, tea point, toilets/urinals, wash basins and shower. The building will be constructed with colour washed rendered walls, powder coated anthracite steel sheeting roof and white UPVC doors and windows.
- 3.1.5 The proposed car parking includes two double car parking spaces to the front of each commercial unit and the addition of three disabled car parking spaces for use of staff and deliveries. A central row of customer parking bays are proposed which includes a provision for three electric car charging points.
- 3.1.6 The proposed landscaping works include three indicative landscaping areas to meet Biodiversity Net Gain and enhanced native hedgerow to the front (west) boundary and an area of trees/shrubs. A 2.3 metres high palisade fence has been installed along the north and eastern boundaries, with the 1.8 metre brick boundary wall to be retained along the southern boundary.

3.2 Conclusion

- 3.2.1 The application seeks to introduce commercial units in an unsustainable location outside any defined settlement boundary and is therefore not a suitable location for commercial development. As submitted, there is limited information on intended occupiers of the units, and in the absence of such the impact on residential amenity is unable to be quantified, but there is concern that noisy operations could take place close to established residential properties. Furthermore, the proposed access runs adjacent to a residential dwelling, and the proposed boundary treatment of a palisade fence is not considered to mitigate any harm.

- 3.2.2 The proposed car parking layout does not make provision for lorries, which may be required to serve the site. In the absence of dedicated parking, it is considered that there could be conflict between the free flow of vehicles and parking for the units

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:

- Chapter 3 Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 12 Making effective use of land
 - L2 Making effective use of land
- Chapter 14 Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 Promoting sustainable transport
 - TR6 Assessing transport impacts
- Chapter 17 Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
 - F7 Ensuring development is safe from flooding
- Chapter 19 Conserving and enhancing the natural environment
 - N2 Improving the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with the adopted Development Plan unless material considerations indicate otherwise,

pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- 5.1.2 The site lies outside the defined settlement boundaries. Policies S1 and S8 seek to protect the intrinsic character and beauty of the countryside while allowing development falling within specified categories and supported by other policies of the Local Development Plan (LDP). Policy E1 encourages employment generating developments and investments in the district to support the long term growth vision. E1 states:

'This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan.'

Allocating additional employment sites at high quality and accessible locations will provide increased choice and competition for the market. It will also ensure long term flexibility for the plan period.'

The application site is not listed within Policy E1 as either having an existing employment use or listed in the proposed employment development sites.

The applicant is relying on the proposed commercial use of the site as a result of the site being rated as 'Red' in the Housing and Economic Land Availability Assessment (site BRS1) in October 2023 as being unsuitable for residential development and taking the 'Red' rating as indicative that the Local Planning Authority (LPA) would seek use of the site for commercial purposes. The site as detailed within the submitted Economic Statement has not been in use since the mid 2000's when the previous occupiers 'Supagas' occupied the site as an LPG bottling, gas filling and storage facility.

- 5.1.3 The proposal has replaced the now demolished brick buildings with the exception of the toilet block which is the application is approved would be replaced. The application form refers to the existing use as falling within a Commercial/General Industrial B2 use. No details of the proposed usage of the site as a whole or the usage of the individual units has been provided. The Economic Statement states that a number of businesses have shown an interest in using the units, which include a garden machinery workshop, dog groomer, domestic upholsters, marine repairs and classic car repairs. These usages would fall within a number of varying use classes and they potential usages would produce differing noise levels, usage levels, odours and differing levels of deliveries, which would make it almost impossible to be able to impose restrictions on the site to mitigate harm to the surrounding dwellings and area.
- 5.1.4 Policy S7 seeks to support and facilitate sustainable economic development within the villages, it supports the provision for small and micro business space, however this is inline with the retention of key employment sites in accordance with policy E1, which this is not listed as. The Council's economic development team have been consulted on the application. No objection is raised to the development proposed, as it would result in employment opportunities and support local economic growth, which would be in line with Policy E1. Whilst these comments are noted, due to the insufficient information provided on the proposed usage of the units, there is not sufficient information to determine if the development would be inline with the adopted policies.

- 5.1.5 It is considered that the development is not acceptable and the principle of development as use as a commercial site is not accepted and therefore would be contrary to Policies, S1, S7, S8 and E1 of the Maldon District LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy D1 requires development to respect and enhance the character and local context, including its architectural style, scale, form, materials, layout and landscape setting. Policies S1 and S8 also seek to protect the intrinsic character and beauty of the countryside.
- 5.2.2 The commercial units on site and the proposed new toilet block have the appearance of commercial units often found in urban industrial estates and established rural commercial sites, they are of a height that appear from the plans submitted to be of the same height and footprint, albeit of a modern design to what was present previously. The units are all located along the southern boundary and following further clearance works towards the entrance would become visible from within the streetscene of both Downhall Road and Trusses Road. Whilst it is noted that there have been buildings on site, the site has been effectively in an abandoned state for a number of years. The application site is located within an area which is a mix of rural and residential, with the main settlement boundary to the south. There are no other commercial sites within close proximity to site and therefore, the modern appearance commercial units have resulted in the introduction of a different built form to the surrounding area of brick built dwellings. The addition of the car parking area would urbanise the site, it is noted from historic Google earth images dating back to Nov 2006, that the site had multiple areas of hardstanding used as storage areas, there was a presence of greenery and soft landscaping that softened the appearance. Whilst the site had been unmaintained for many years until recently the modest size of the buildings already in situ and the proposed toilet block, together with the potential to enhance the soft landscaping and boundary treatments, would not result in material harm to the rural character or appearance of the site and surrounding countryside. The proposal is therefore acceptable under Policies D1 and S8 of the approved Maldon District LDP.

5.3 Impact on Residential Amenity

- 5.3.1 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 Maldon District Design Guide (2017).
- 5.3.2 The application site is bordered by two residential dwellings, to the north is Seabank and to the south is Downhall Lodge. Further to the south of Downhall Lodge is Down Hall Residential Home.
- 5.3.3 The commercial units sit 36 metres from the boundary, and the proposed toilet block would sit 33 metres from the boundary with the neighbouring property to the north, Seabank.
- 5.3.4 The commercial units sit three metres from the boundary, and the proposed toilet block would sit on the shared boundary with the neighbouring property to the south, Downhall Lodge. The commercial units would be visible above the existing 1.8 metre wall and would be partially visible to this neighbouring property.
- 5.3.5 Whilst the buildings themselves would not result in an overbearing addition to this neighbouring dwelling due to the separation distance from Seabank and that they are

partially obscured by the boundary wall with Downhall Lodge. There is a concern in relation to the position of the proposed entrance and exit points to the site which are located on the shared boundary with both neighbouring dwellings and will be used by cars, motorbikes, lorries and vans as well as any pedestrians. Along the shared boundary with Seabank, a 2.3 metres palisade fence has been installed, the fence provides views into the neighbouring properties rear amenity space from within the site, the views are not as open with regards to Downhall Lodge, however, the proposed commercial usage will intensify the usage during the week and possibly weekends.

- 5.3.6 As noted above there has been no specific use requested for the site and no details of operating hours have been submitted. No details of projected vehicle movements or any proposed sound attenuation of the buildings have been submitted as part of the application. It is noted that there have been a number of letters in support of the application, specifically with regards to the site being cleared and tidied and will bring the site into use, a letter has been received by the occupiers of Downhall Lodge to the south, who have supported the improvement to the site and considered that the commercial units could operate successfully with appropriate safeguards for operating house and noise from fixed plant, machinery, extraction and ventilation. From the insufficient information provided as part of the application in terms of proposed use and operating times, it would be difficult to ensure the appropriate mitigation conditions could be imposed to prevent a disturbance to the neighbouring residential dwellings.
- 5.3.7 The Council's Environmental Health team have been consulted on the application and have advised that given the nature of the development and the potential for activities within the individual units to affect nearby sensitive receptors, no objection is raised subject to recommended conditions if the application were to be approved.
- 5.3.8 Due to the partial retrospective nature of the application, the Council's enforcement team were consulted on the application. Whilst no objection in principle is raised, there are concerns relating to the unclear nature of the proposed use as it has not been clearly defined the use of each unit, and therefore, differing uses would give rise to differing planning impacts. There is also a concern on the potential impact of the development of the amenities of the neighbouring occupiers. The development would result in an intensity of use at the site and there is a lack of a comprehensive landscaping and screening scheme to mitigate the harm to the neighbouring dwellings. If planning permission were to be approved, appropriate conditions should be imposed to mitigate any loss of amenity.
- 5.3.9 As a result of the insufficient information submitted as part of the application, it is considered that the development would result in an unneighbourly form of development that would impact upon the amenity of the neighbouring residential properties, therefore, the development is not in accordance with the stipulations of Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1 and T2 require safe access and sufficient vehicle and cycle parking having regard to the Council's adopted standards.
- 5.4.2 The proposed usage of the site for commercial use and therefore there is a requirement to provide both staff and customer parking. As no details have been provided on the use, to be able to ascertain the parking requirement on the site would in line with the Council's Vehicle Parking Standards. The block plan shows a provision for 10No. double car parking spaces to the front of each unit and three

disabled car parking spaces as well as 19No. customer car park spaces, three of which would have electric charging points. The block plan also shows an in access to the north and out access to the south, both of these are located adjacent to the entrance to Trusses Road, no visibility splays have been provided to show how all the vehicles and particularly the larger lorries would be able to easily and safely enter and exit the site. Furthermore, as no details of the proposed usage of each unit and the operating times have been submitted, the LPA is unable to assess the impact of the intensified use of the site, especially as both the proposed entrance and exit to the site are located directly adjacent to the neighbouring residential dwellings.

- 5.4.3 Essex County Council (ECC) highways have been consulted on the application and have advised that the proposal is not acceptable. The proposal includes the retrospective construction of two replacement buildings to create ten commercial units. This will result in the intensification in use of the site and the two historic vehicle accesses, which are minor and of limited width. The northern vehicular access is located on Trusses Road by the junction with High Street, the southern access is located on High Street. Trusses Road and High Street are both unclassified roads and the speed limit is derestricted at both locations. The Highway Authority will protect the function of all routes by:

- i. ensuring that new access points will be designed and constructed in accordance with the current standards;
- ii. seeking improvement to existing substandard accesses.

The applicant has not successfully demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. The application should be supported by a suitable Transport Statement which should include (and not limited to) the following additional information; expected trip numbers/ vehicle movements, swept path analysis and details of safe and suitable access which complies with highway standards. In addition, it is noted that the proposal includes an in/out access arrangement, the applicant should be advised that this is not enforceable, and they should consider this in their Transport Statement. Therefore, Insufficient information is provided within the application to demonstrate to the satisfaction of the Highway Authority, that the impact on the highway network will not have unacceptable consequences in terms of highway safety and efficiency.

- 5.4.4 Therefore, an objection is raised in relation to traffic and transport issues. The proposal is contrary to Policies T1 and T2 of the LDP.

5.5 Trees and Landscaping

- 5.5.1 No arboricultural documents have been submitted as part of the application, it is noted that a number of trees and shrubs may have already been removed within the site and along the boundary with the neighbouring property to the north, when the site was cleared. It is noted that the proposed block plan submitted (TMA/1122/02 Rev A) shows that the hedgerow to the front (west) boundary of the application site is to be enhanced, and that three areas of indicative landscape areas are proposed, no specific details have been submitted. The Council's arboricultural consultants at Place Services have been consulted on the application and have advised that a review of the historic site photographs and aerial imagery indicates that trees and other vegetation were previously present on the site, and they had the potential to act as constraints to development. However, it appears that clearance of the site may have taken place within the benefit of consent and has resulted in the loss of habitat that would have otherwise contributed towards Biodiversity Net Gain (BNG) requirements.

- 5.5.2 No objection is raised to the development and given the extent of the tree and vegetation losses within the site; a condition is recommended requiring the submission of a replacement planting scheme. The scheme should include details of species, sizes, numbers and planting locations, together with a schedule of maintenance and aftercare to ensure successful establishment and to mitigate the loss of visual amenity and ecological value. Therefore, there is no arboricultural reason this application cannot progress subject to appropriate conditions.

5.6 Ecology & Biodiversity Net Gain

- 5.6.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.6.2 A draft Biodiversity Gain Plan (Crossland Ecology – July 2026) and BNG metric have been submitted as part of the application. The Council's Ecological Consultants at Place Services have been consulted and have advised that they have reviewed the documents supplied as part of the application and are not satisfied that there is sufficient ecological information available for determination of the application. There are two ponds within 250 metres of the site and the site is within an Amber risk Zone Great Crested Newt District Licensing, the toilet block to be demolished could have bat roosting potential and the proposed works could disturb, harm or kill roosting bats. The site could also provide suitable habitat for foraging and sett building by badgers. Therefore, there is a holding objection to the development proposed due to insufficient ecological information on European Protected Species (Great Crested Newt & Bat) and protected species (Badger). It is recommended that to make this proposal acceptable a Preliminary Ecological Appraisal, including a Preliminary Roost Assessment would be required to assess the likely impacts upon Great Crested Newts, bats and badgers.
- 5.6.3 With regard to mandatory BNG, the Council's ecology consultants support the submitted Statutory Biodiversity metric and are satisfied that the submitted information provides sufficient information at application stage. No objection is raised in relation to BNG submit to the submission of a Biodiversity Gain Plan prior to commencement, together with a Habitat Management and Monitoring Plan (HMMP)

6. ANY RELEVANT SITE HISTORY

- **74/750/74** – Light industrial buildings – Refused – 14 April 1975
- **90/01059/FUL** – Residential development – Refused – 11 March 1991 & Appeal Dismissed – 5 February 1992

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell on Sea Parish Council	No response	N/A

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services – Ecology	Objection – due to insufficient information of European Protected Species (Great Crested Newt & Bats) and Protected Species (Badger)	Noted – refer to section 5.6 of report
Place Services – Arboriculture	No objection – subject to recommended conditions	Noted – refer to section 5.5 of report
ECC Highways	Object due to lack of information	Noted – refer to section 5.4 of report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development	Support the application	Noted – refer to section 5.1 of report
Environmental Health	No objections – subject to recommended conditions	Noted – refer to section 5.3 of report

7.4 Site Notice / Advertisement

The application was advertised by way of a site notice posted on the 1 September 2026 (with expiry date for comments set at 22 September 2026). The site notice was affixed at eye level to a telegraph pole located to the front of the application site, in a prominent position within the street scene.

Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 27 August 2026 (with expiry date for comments set at 17 September 2026).

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 **Five** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The development will keep the plot tidy	It has resulted in the overgrown and neglected site being improved.
It will bring employment to local people and support the local community	The provision of commercial units cannot be conditioned for the sole use of local residents.
It could potentially bring income into the village	As the site is in a location that would require access via car, there is the potential for more people to be driving through the village
It will allow for small or startup businesses	The site would create ten commercial units

7.5.2 Representations objecting to the application:

One letter of objection has been received raising the following matters:

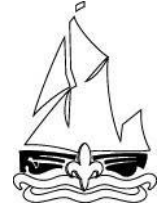
Objecting Comment	Officer Response
Highway safety – the site is on a sharp corner with limited visibility. Downhall Road is subject to a 60mph speed limit and there is a concern of the vehicles using this road and view being obstructed due to vehicles parked on the road. The increased intensity of the road by the users of the site will be on infrastructure not suitable for this level of activity. There is also a concern for pedestrian safety	Noted – please refer to section 5.4 of report
There will be an intensified use on the site that has not been in place before.	Noted – please refer to section 5.1 of report
There are concerns about the parking provision provided and whether this could lead to vehicles being parked on the adjacent roads.	Noted – please refer to section 5.4 of report
There would be an impact on the residential character and amenity of the area, and therefore has the potential to create increased noise, disturbance, traffic and parking pressures.	Noted – please refer to section 5.2 and 5.3 of report

8. **PROPOSED REASONS FOR REFUSAL**

REASONS FOR REFUSAL:

- 1 The development due to its proximity to the site boundary, would have an adverse impact on the amenity of the occupiers of the neighbouring dwellings, due to the potential noise, disturbance and odour as a result of the development. Therefore, the proposed development would be an unneighbourly form of development, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework
- 2 It has not been demonstrated that the development would not cause harm to a European Protected Species (Great Crested Newt and Bats) and Protected Species (Badgers) and so the proposal could have an adverse impact on nature conservation interests, contrary to Policies D1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 3 It has not been demonstrated that the proposal provides sufficient information to demonstrate that the development would not result in an unacceptable impact on highway safety and the operation of the surrounding highway network. In the absence of adequate information regarding access arrangements, traffic generation, servicing, and/or the likely impact of additional vehicular movements, the Local Planning Authority is unable to properly assess the highway implications of the development. The proposal is therefore contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 OCTOBER 2026**

Application Number	25/00851/OUTM
Location	Fairfield, Burnham Road, Latchingdon, Chelmsford, Essex CM3 6HA
Proposal	Outline application with all matters reserved except for access comprising demolition of existing structures and residential development of up to 47 homes including affordable housing, landscaping; open space, sustainable urban drainage systems; together with associated infrastructure.
Applicant	Ptarmigan Latchingdon Limited
Agent	Mr Richard Ketelle – Sphere25
Target Decision Date	17 October 2026 (EoT)
Case Officer	Matt Bailey
Parish	Latchingdon
Reason for Referral to the Committee / Council	Major application

1. RECOMMENDATION

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

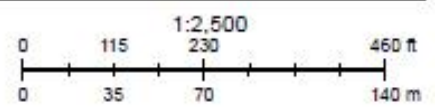
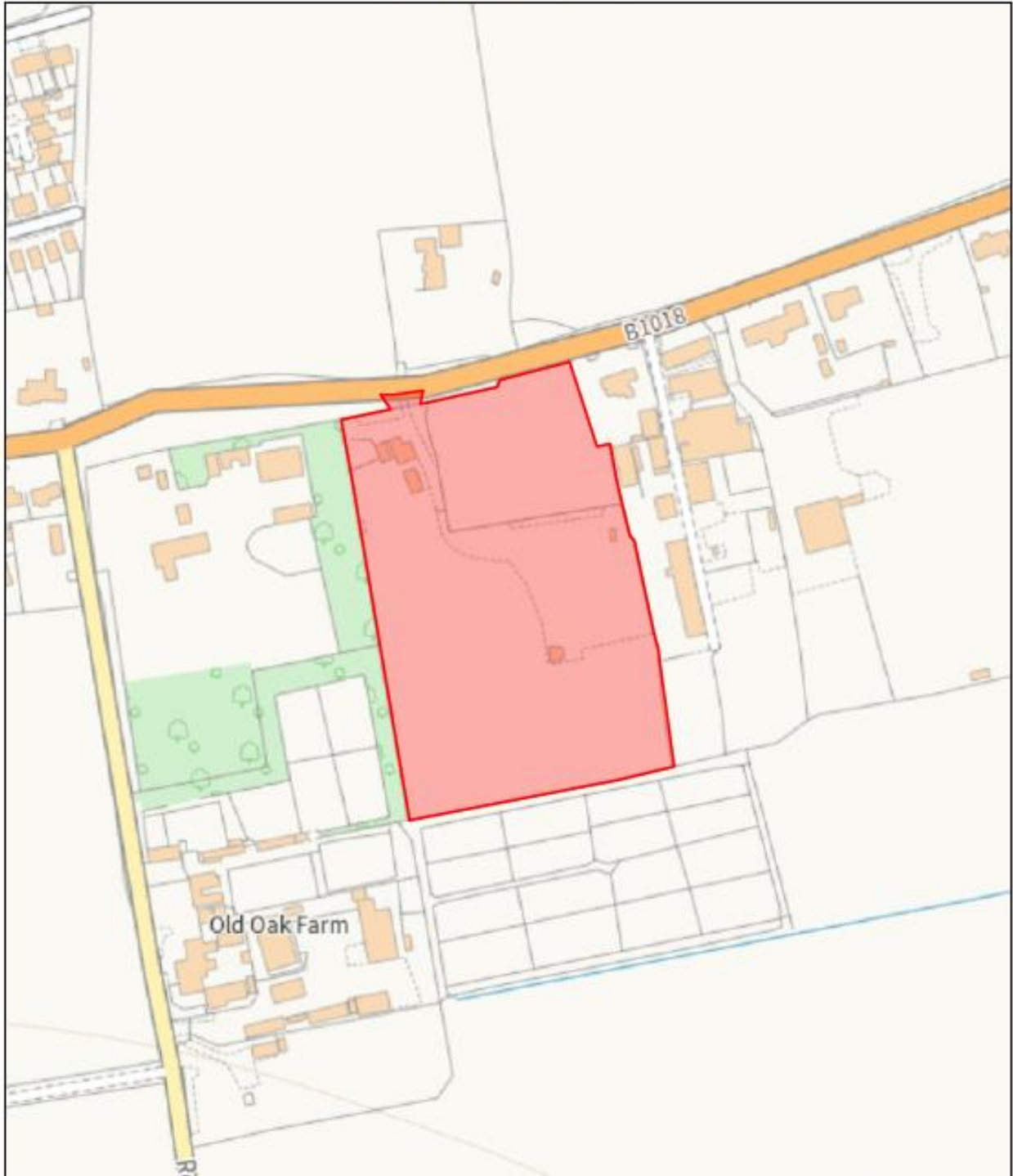
- (i) the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the compliant Heads of Terms set out in Section 8 of this report;
- (ii) the planning conditions as detailed in Section 8 of this report; and

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

2. SITE MAP

See overleaf

25/00851/OUTM



3. SUMMARY

3.1 Proposal / Brief Overview, Including Relevant Background Information

Site and Surroundings

- 3.1.1 The application relates to a site known as Fairfield, on the southern side of Burnham Road to the eastern side of Latchingdon. The land contains an existing dwelling and domestic garden, outbuildings, areas used for the storage of scrap materials and agricultural or grassed land. Grove House and its grounds lie to the west, with Red Lyons House and Red Lyons Business Centre to the east. Open land extends beyond the southern boundary. The site lies outside the defined settlement boundary and is not allocated for development in the adopted Maldon District Local Development Plan (LDP).
- 3.1.2 The land rises from approximately 13.6 metres Above Ordnance Datum (AOD) near the northern boundary to approximately 17.6 metres AOD in the south. Trees, hedgerows and boundary ditches provide enclosure. Vehicular access is currently taken from Burnham Road over a culverted ditch. The main village facilities lie to the west and north-west, but there is presently no continuous footway connecting the site entrance to that network. The proposed development would provide an upgraded access and off-site pedestrian connections.
- 3.1.3 The site is within Flood Zone 1. The submitted Flood Risk Assessment (FRA) also considers local surface water flooding and ordinary watercourses. No listed building or conservation area is located within the site, although archaeological potential has been identified. The site falls within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Zone of Influence and development must address the effects of additional recreational pressure on coastal Habitats sites.

The Proposed Development

- 3.1.4 Outline permission is sought with all matters reserved except for access comprising demolition of existing structures and residential development of up to 47 homes including affordable housing, landscaping; open space, sustainable urban drainage systems; together with associated infrastructure.
- 3.1.5 The proposal would replace the existing dwelling with up to 47 homes, giving a maximum net increase of 46 dwellings. The applicant offers 40% affordable housing, equivalent to a minimum of 19 affordable homes at the maximum proposed quantum. The final mix, appearance, layout, scale and landscaping remain reserved, with only details of the access from Burnham Road submitted for determination at outline stage.
- 3.1.6 The Parameters Plan and Illustrative Masterplan Rev V5 indicate two-storey housing within a landscaped site, with retained and new boundary planting, a green link through the development, public open space, children's play provision and sustainable drainage. The parameters identify a maximum ridge height of 9.5 metres, subject to clarification of the drawing's ground-level qualification. The illustrative layout demonstrates a possible arrangement and does not fix individual plots or approve detailed house designs.
- 3.1.7 The principal access would comprise a 5.5 metre wide carriageway with a 2 metre footway on its western side. A new 2 metre footway along the southern side of Burnham Road, together with crossing facilities, would be secured by way of S278 agreement with Essex County Council (ECC) Highways to connect to the pedestrian infrastructure associated with the permitted development north of The Groves (currently under construction). An extension of the 30mph limit, gateway treatment and road markings would also be required.

Summary Conclusion

- 3.1.8 The development conflicts with Policies S1, S2 and S8 of the LDP because it is outside the settlement boundary and is not allocated. The current National Planning Policy Framework (NPPF) nevertheless gives substantial weight to meeting evidenced housing needs through Policy HO7 and allows development outside settlements under Policy S5 where it addresses evidenced unmet need, is physically well related to a settlement and is of a scale that can be accommodated having regard to infrastructure. Fairfield is physically related to the existing village and surrounding development and would deliver a material housing and affordable housing benefit.
- 3.1.9 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this Committee report, finding that the harms would not substantially outweigh the benefits of the development, including the provision of up to 47 homes where the Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS). Therefore, Officers recommend that approval is granted in accordance with the updated NPPF policies, subject to the conditions and planning obligations recommended in this committee report.

4. MAIN RELEVANT POLICIES

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

- Paragraph 17 Achieving sustainable development

Chapter 3 - Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM5 Development viability
- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 - Achieving sustainable development

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

Chapter 5 - Meeting the challenge of climate change

- CC2 Mitigation of climate change
- CC3 Adaptation to climate change

Chapter 6 - Delivering a sufficient supply of homes

- HO7 Meeting the need for homes
- HO8 Providing affordable homes
- HO9 Specialist forms of accommodation

Chapter 12 - Making effective use of land

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

Chapter 14 - Achieving well-designed places

- DP3 Key principles for well-designed places

- DP4 The design process

Chapter 15 - Promoting sustainable transport

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

Chapter 16 - Promoting healthy communities

- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits

Chapter 17 - Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution
- P4 Impact of development on existing activities

Chapter 18 - Managing flood risk and coastal change

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

Chapter 19 - Conserving and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 - Conserving and enhancing the historic environment

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

4.2 Maldon District Local Development Plan 2014 -2029

- S1 - Sustainable Development
- S2 - Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- E3 - Community Services and Facilities
- E6 - Skills, Training and Education
- H1 - Affordable Housing
- H2 - Housing Mix
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment, Geodiversity and Biodiversity
- N3 - Open Space, Sport and Leisure

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

4.3 Other Material Guidance and Evidence

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Policies S1 and S2 of the Maldon District LDP seek to direct strategic growth towards allocated sites and defined settlements, whilst Policy S8 seeks to protect the countryside outside settlement boundaries from development other than the forms specifically identified within that policy.
- 5.1.2 The application site lies outside the defined settlement boundary of Latchingdon and is not allocated for development within the LDP. The proposed residential development does not fall within one of the categories of development ordinarily supported by Policy S8. The proposal therefore conflicts with the spatial strategy of the adopted LDP, principally Policies S1, S2 and S8. This conflict is a matter which must be weighed in the overall planning balance.

Five-Year Housing Land Supply

- 5.1.3 NPPF Policy HO1 and Annex D set out the approach to identifying and maintaining a supply of deliverable housing sites. The Council's latest published housing land supply position at 1 April 2025 (reported to Council on 12 February 2026) was 4.1 years. This position has subsequently been considered through the appeal process, including the recent Spratts Farm appeal, where the respective positions of the Appellant and Council were 3.6 and 4.04 years. Whilst there has been disagreement regarding the precise figure, it is accepted that the Council cannot currently demonstrate a five-year housing land supply.
- 5.1.4 There is therefore an evidenced unmet need for housing within the District. Strategic Housing's response to this application records 747 applicants or families on the Housing Register as of 22 December 2025, with particular pressure on three-bedroom rented

accommodation. NPPF Policy HO7 requires substantial weight to be given to the benefits of development which meets an evidenced need for homes. The proposal would provide up to 47 dwellings, a net addition of 46, including at least 19 affordable homes if all 47 dwellings are delivered.

Presumption in Favour of Sustainable Development

- 5.1.5 NPPF Policy S3 applies the presumption in favour of sustainable development through the decision-making policies contained within Chapter 4 of the Framework. Where development is proposed outside a settlement, Policy S5 identifies the types of development which are acceptable in principle and provides the relevant decision-making test.
- 5.1.6 Policy S5(1)(j) applies to development which would address an evidenced unmet need, including where a Local Planning Authority (LPA) cannot demonstrate a five-year housing land supply. In such circumstances the development must be physically well related to an existing settlement, unless the nature of the use makes this inappropriate, and must be of a scale that can be accommodated having regard to existing or proposed infrastructure. Where those requirements are met, the proposal should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies.

Relationship with Settlement

- 5.1.7 The site is not physically isolated from Latchingdon. It lies between established residential land at Grove House and the buildings and land of Red Lyons House and Business Centre, with access directly from Burnham Road. Existing village development lies to the west and the permitted development north of The Groves would extend the built context on the opposite side of the road. The site's relationship with existing development is relevant independently of whether all nearby permissions have been built out.
- 5.1.8 The development would extend residential activity into the rear of the site and should not be described simply as limited infilling of a small frontage gap. The application is assessed under Policy S5(1)(j), having regard to housing need, its physical relationship with the village and infrastructure. It is not necessary to rely on an assumption that all of the land is previously developed or that 47 homes constitute limited infilling.
- 5.1.9 The Transport Assessment identifies the primary school approximately 850 metres from the site and the main shops and post office approximately 1.2 kilometres away. The village hall, playing fields, café and bowls facilities are closer. These distances provide opportunities for walking and cycling, but the existing absence of a continuous footway is a material constraint. The proposed footway, crossings, access works and speed-limit extension must therefore be delivered before occupation; a line on an illustrative plan would not itself make the development accessible.
- 5.1.10 The Highway Authority considers the transport effects acceptable subject to requirements relating to bus contributions and highways improvements (see section 5.6). The necessary education, library, public transport, affordable housing, open space and ecological measures are addressed through the proposed conditions and Section 106 agreement. Anglian Water's identified foul-water constraints can be addressed through a strategic condition preventing occupation until the necessary infrastructure is available, while the completed Appropriate Assessment concludes that the proposal would not adversely affect the integrity of the relevant Habitats sites subject to the identified mitigation. Taking these matters together, the proposed scale of development at 47 homes is considered capable of being accommodated in this location.

Existing Land Use

- 5.1.11 The applicant describes the site as previously developed land, comprising an existing dwelling, garden, structures and storage areas. The Phase I Site Appraisal also records arable and pasture areas. The presence of buildings or storage on part of the land does not establish that the whole red-line site is previously developed land. The benefit of reusing developed land and removing unattractive storage is therefore assessed proportionately to the actual mixed character of the site.
- 5.1.12 The Planning Statement identifies the wider land as HELAA site LD8, Red Lyons House and Fairfield. Inclusion in a land availability assessment does not allocate the land for housing or establish that planning permission should be granted. The proposal is assessed on its own merits under the development plan and current national policy. Decisions concerning other sites in Latchingdon provide context but do not amount to a planning permission or site-specific appeal finding for Fairfield.
- 5.1.13 Some land in agricultural or grassed use would be lost to housing, roads and associated infrastructure. The existing mixed use and enclosed setting distinguish the proposal from a development wholly on open arable fields. No detailed Agricultural Land Classification survey establishing the grade of the affected land has been supplied. The assessment therefore does not attribute a particular grade to the land or assume that there is no agricultural loss. This limited loss is an adverse consideration in the overall planning balance.

Principle of Development Summary

- 5.1.14 The proposal remains in conflict with Policies S1, S2 and S8 of the LDP because the site lies outside the defined settlement boundary and is not allocated for development. However, the Council cannot demonstrate a five-year housing land supply and there is an evidenced unmet need for housing. The site is physically well related to Latchingdon and its existing pattern of development. The proposed access and pedestrian improvements would strengthen that relationship.
- 5.1.15 The proposal is therefore considered to fall within the category of development supported by Policy S5(1)(j). The principle of development is acceptable under current national policy, subject to the remaining assessment and the overall planning balance at section 5.11. The conflict with the adopted spatial strategy remains an adverse consideration in that balance.

5.2 Housing Provision, Affordable Housing and Mix

- 5.2.1 Policies H1, H2 and H4 of the LDP and NPPF Policies HO7 to HO9 seek delivery of homes that meet evidenced needs, including affordable, accessible and appropriately mixed accommodation. Policy H1 requires 40% affordable housing at this location. The latest local housing evidence indicates an affordable tenure mix of 80% rented and 20% intermediate housing, with 75% of the rented element as Social Rent, and identifies particular need for larger rented homes and accessible accommodation.
- 5.2.2 The applicant proposes 40% affordable housing and Strategic Housing supports the application. At the maximum 47-dwelling quantum, a minimum of 19 affordable homes would be required. The submitted illustrative mix of 28 market homes and 19 affordable homes is not fixed by this outline application. The tenure and bedroom mix must respond to the current Local Housing Needs Assessment and Technical Advice Note when reserved matters are prepared.
- 5.2.3 Strategic Housing seeks an 80% rented and 20% intermediate affordable tenure split, with 75% of the rented element as Social Rent. It identifies a particular need for larger

rented homes, including three-bedroom five- and six-person homes, and one-bedroom two-person rented bungalows with wet rooms or showers. The detailed integer split within 19 homes should be agreed with Housing through the affordable housing scheme, rather than implying that fractional units can be provided.

- 5.2.4 The response requests the Nationally Described Space Standards for affordable homes, M4(2) accessible and adaptable accommodation as a starting point for all dwellings, and at least 10% M4(3) wheelchair user dwellings. The legal agreement should secure affordability, nomination rights, an eligible Registered Provider, appropriate rent and service-charge controls, clustering and delivery triggers. Latchingdon's Designated Protected Area status also requires the shared ownership staircasing restriction to be addressed unless the necessary approvals for an alternative arrangement are obtained.
- 5.2.5 The affordable offer complies with Policy H1 and would assist in meeting the identified need. The final housing scheme and accessibility standards can be secured through the Section 106 agreement and condition. Subject to the identified controls, the scheme accords with Policies H1, H2 and H4 and NPPF Policies HO7 to HO9.

5.3 Design, Layout and Quality of Accommodation

- 5.3.1 Policies D1 and H4 and NPPF Policies L2, L3, DP3 and DP4 require efficient, inclusive and context responsive development with a coherent movement network, legible public realm, appropriate density, usable open space and safe relationships between homes and other uses. As an outline application, detailed layout, scale, appearance and landscaping remain reserved, but the parameter plans must provide a robust framework capable of delivering those outcomes.
- 5.3.2 The Parameters Plan locates residential development within the site with green infrastructure around its edges and a central landscaped connection. The Illustrative Masterplan Rev V5 demonstrates how up to 47 homes, internal circulation, parking, gardens, open space, play and drainage could be accommodated. The final layout must show that the proposed number of homes can be delivered without compromising tree retention, drainage easements, acoustic mitigation, biodiversity or usable amenity space; the maximum dwelling figure is not an entitlement to an unacceptable detailed layout.
- 5.3.3 The proposed two-storey scale would be consistent with residential development in the surrounding area. The maximum ridge-height parameter is stated as 9.5 metres, with a qualification referring to existing ground levels plus or minus 2 metres. Given the slope across the site, a clear and consistent levels strategy will be needed so that the intended height envelope, accessible routes and drainage arrangements can be assessed together.
- 5.3.4 The surrounding buildings and uses require careful consideration insofar as any proposed new dwellings near Burnham Road should be designed to avoid harm from road noise, while the eastern boundary faces existing and consented business activity. The Noise Assessment considers an indicative acoustic barrier up to 4 metres high along that boundary. Its final height, extent, appearance, landscape treatment and effects on future gardens must be resolved through the acoustic design and reserved matters; it is not approved as a fixed boundary treatment by this outline permission.
- 5.3.5 Parking, servicing, refuse storage, cycle storage, private gardens and public routes must be designed as part of a coherent scheme. Public open space and the play area should have natural surveillance and accessible routes. Essex Police requests a design that incorporates Secured by Design principles and further engagement on boundaries and lighting. A condition secures a scheme of crime-prevention measures, allowing ecological lighting requirements to be considered alongside the safety of residents.

- 5.3.6 Subject to the reserved matters and detailed design conditions, the submitted information indicates that an acceptable development can be accommodated in design terms, in accordance with Policies D1 and H4 of the LDP.

5.4 Landscape, Green Infrastructure and Agricultural Land

- 5.4.1 Policies D1, N1 and N2 and NPPF Policies N2 and N3 require development to respond to landscape character, retain important trees and hedgerows, integrate green infrastructure and minimise the use of higher quality agricultural land where practicable.
- 5.4.2 The site lies within the Tillingham and Latchingdon Coastal Farmland landscape character area. It has a mixed appearance, with a dwelling, garden, outbuildings, storage and open areas, and is enclosed by existing development and vegetation to the west and east. The southern boundary nevertheless forms an edge to more open land. Additional housing would increase the extent and intensity of built development and would change the character of the site.
- 5.4.3 The submitted Landscape and Visual Impact Assessment identifies the greatest effects within and close to the site. It predicts moderate adverse effects for some close-range road views and moderate to minor adverse effects for adjoining residential receptors, with generally lower effects from more distant public viewpoints. The submitted assessment anticipates that planting would reduce effects as it establishes. Officers consider that the enclosed position and surrounding built context limit the wider landscape effect, but do not remove the localised urbanising change.
- 5.4.4 The landscape proposals retain and reinforce boundary vegetation and provide new native hedgerows, mixed scrub, trees, species-rich grassland, attenuation features and public open space. The supplied landscape masterplan was revised to P3 in December 2025. These drawings are illustrative and the final landscape arrangement must be coordinated with the approved parameters, drainage and habitat requirements.
- 5.4.5 Place Services Arboriculture raises no objection to the outline development area. Its response records 50 individual trees, 13 groups, four shrubs and two hedges and identifies proposed removal of two Category B specimens, 21 Category C specimens and eight Category U specimens. It specifically requests that retention of Category B trees T9 and T41 is explored. Reserved matters must demonstrate that those trees and other higher-value specimens have been retained where practicable, supported by an updated Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.
- 5.4.6 The structural planting, open space and play provision relied upon in assessing the proposal must be delivered and maintained. The legal agreement should identify the responsible management body, public access arrangements, funding, inspection and replacement obligations. Landscape conditions will secure detailed planting, protection during construction and establishment. These are complementary to the separate 30-year requirements for significant biodiversity enhancements.
- 5.4.7 The scheme would result in some loss of agricultural or grassed land as well as redevelopment of existing developed areas. On the evidence available, limited adverse weight is attributed to that loss. Moderate adverse weight is given to the localised landscape and countryside change, taking account of the scale of new housing, existing enclosure and the capacity for substantial planting. The proposal is considered acceptable in landscape terms subject to the identified controls.

5.5 Heritage and Archaeology

- 5.5.1 Policy D3 and NPPF Policies HE4 to HE7 and HE10 require the significance of heritage assets and the contribution of setting to be understood, harm to be avoided or justified, and archaeological interest to be investigated and recorded.
- 5.5.2 The site is not within a conservation area and contains no listed building. The Archaeological Desk-based Assessment identifies listed buildings within the wider study area, including Christ Church and Snoreham Hall Farmhouse. It concludes that their settings would not be affected because of distance and intervening development or vegetation. The landscape evidence also identifies substantial visual enclosure. On that basis, and having regard to the limited two-storey scale proposed, no harm to the significance or setting of a designated heritage asset has been identified.
- 5.5.3 Place Services Archaeology identifies potential medieval and post-medieval activity, a possible medieval moated mill mound north of the site, nearby excavated remains and a postulated Roman road route crossing the site. It agrees that there is potential for previously unknown below-ground remains. The fact that parts of the site contain buildings or storage does not establish that archaeological deposits have been wholly removed.
- 5.5.4 A staged condition will secure a Written Scheme of Investigation, trial-trench evaluation, an approved mitigation strategy, completion of the necessary fieldwork before development in affected areas, and post-excavation assessment, analysis, publication and archive deposition. The requested six-month period for the post-excavation assessment is included. Subject to those safeguards, the proposal is acceptable in relation to archaeology and accords with Policy D3 and the relevant NPPF policies.

5.6 Transport, Access and Highway Safety

- 5.6.1 Policies T1 and T2 and NPPF Policies TR3, TR4, TR6 and TR8 require significant development to be in a sustainable location or made sustainable, provide safe and suitable access for all users, prioritise walking, wheeling and cycling, and mitigate significant network and safety effects to an acceptable degree.
- 5.6.2 The application is accompanied by a Transport Assessment, access and visibility plans, swept-path analysis and road safety audit material. ECC, as Highway Authority, has reviewed the documents and undertaken a site visit. Its response dated 5 January 2026 concludes that the impact is acceptable subject to construction management, access and visibility, footway and crossing works, a public transport contribution, a speed-limit extension and residential travel information packs.
- 5.6.3 The access would be upgraded to a priority junction with a minimum carriageway width of 5.5 metres, a 2 metre footway on its western side and a straight section for at least the first 15 metres. The detailed bellmouth radii remain to be agreed with the Highway Authority. Swept-path analysis demonstrates the principle of access for service vehicles; internal turning, parking and refuse arrangements remain matters for detailed approval.
- 5.6.4 Drawing I000277/04.2 Rev A shows visibility splays of 2.4 metres by 126.9 metres to the west and 2.4 metres by 119.2 metres to the east. A proposed 2 metre footway would run west from the site access along the southern side of Burnham Road to a point approximately 20 metres west of the new access for the land north of The Groves. Dropped kerbs and tactile paving are required both for the connection across the road and for access to the new bus stops. The permitted northern development is expected to provide part of the wider pedestrian and bus-stop infrastructure. The Transport Assessment recognises that Fairfield may need to provide elements itself if construction timings differ.

- 5.6.5 The occupation restriction must secure a continuous, safe and available route to the existing village network and access to usable bus stops. It should not allow occupation merely because Fairfield's own frontage works are complete while a missing section on the other scheme leaves residents without a safe connection.
- 5.6.6 The existing 30mph limit would be extended east of the Fairfield access to a point agreed with ECC, with gateway treatment, signs and road markings. Those works require the relevant Traffic Regulation Order process and highway agreements. The proposed condition secures their implementation before occupation; the application does not itself make the Traffic Regulation Order.
- 5.6.7 The Transport Assessment forecasts approximately 27 two-way vehicle movements in the morning peak hour and 24 in the evening peak hour. Its assessment identifies modest incremental increases at the village mini-roundabout. The Highway Authority is satisfied that the proposal would not have a significant effect on highway safety or efficiency. Residents' and the Parish Council's concerns regarding speeding, collisions, congestion, diversions and cumulative growth are material, but the supplied technical evidence does not establish a severe residual highway effect from this scheme with the mitigation in place.
- 5.6.8 It is accepted that, whilst shops and services within the village are within walking distance for some journeys, there is likely to be some additional reliance on the car even after the pedestrian improvements are provided. The £135,000 public transport contribution requested by ECC is included in the heads of terms, alongside travel information packs containing six one-day public transport vouchers for each dwelling.
- 5.6.9 Subject to the details of the specified works being secured by way of S278 Agreement, the development would have safe access and a practicable means of reaching village facilities on foot. The construction management, parking and travel-information conditions would address the remaining transport effects. The proposal is considered acceptable against Policies T1 and T2 and the relevant national policies.

5.7 Flood Risk, Watercourses and Drainage

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

Sequential Test

- 5.7.2 The site is entirely within Flood Zone 1 on the Environment Agency's river and sea flood mapping. That designation does not by itself dispose of surface water or ordinary-watercourse risk. The FRA acknowledges isolated areas of mapped surface water risk along boundary ditches and within the site, including earlier concerns about the access. It includes a Sequential Test Note dated 22 April 2025 and detailed pluvial modelling based on a topographical survey, surveyed culverts, FEH22 rainfall and a 45% climate-change allowance.
- 5.7.3 The modelling indicates that, during the 1 in 100 year event plus climate change, ponding is confined to the northern, eastern and southern ditch corridors. The FRA concludes that the development and access can be located outside the identified flood extent. It explains that some central depressions shown in national mapping do not reflect the current surveyed landform. The final layout and levels must preserve those flood routes and maintenance easements.

- 5.7.4 On that evidence, the applicable approach is the site-specific exemption in Policy F5(2)(b), rather than an alternative-site search based solely on the site's Flood Zone 1 designation. Policy F5 also provides for proposals affected only by surface water flooding where their layout, design and mitigation secure lifetime safety without increasing risk elsewhere. The site-specific evidence and the Lead Local Flood Authority's (LLFA) latest no-objection response support that approach.

Flood Safety and Watercourses

- 5.7.5 The FRA recommends finished floor levels at least 300mm above surrounding ground and retention of the boundary ditch network. The access crosses the northern ditch in an existing culvert, which would need to be upgraded and extended to support the widened road and footway. The FRA records the LLFA's culvert principles, including avoiding unnecessary culverting and demonstrating that the crossing does not adversely affect conveyance or increase flood risk.
- 5.7.6 A site-specific condition will secure detailed crossing design, hydraulic performance, maintenance access and the final levels and exceedance arrangements. Any separate ordinary watercourse consent remains necessary. Residential development within Flood Zone 1 does not require the river and sea flood-risk Exception Test applicable to development in higher flood zones.

Surface Water and Foul Drainage

- 5.7.7 The surface water strategy provides for permeable surfaces, attenuation tanks and basins, with discharge to the northern ditch restricted to a total of 2.6 litres per second. The LLFA initially raised a holding objection over infiltration evidence, storage and consecutive storm performance and other drainage details. The applicant's March response addresses those points, and the latest consultation response dated 18 July 2026 raises no objection subject to conditions.
- 5.7.8 The detailed scheme must verify infiltration suitability, provide sufficient storage for the 1 in 100 year event plus 45% climate change, include a 10% urban-creep allowance, demonstrate the required half-drain or consecutive-event performance, provide water-quality treatment and establish final levels, exceedance routes, outfalls and maintenance. The July response uses a 45% allowance for the 1 in 30 year check; that requirement is retained in the draft condition rather than substituting the earlier calculations. Separate conditions secure construction-stage water management and lifetime maintenance logs.
- 5.7.9 Anglian Water has identified constraints within the foul-water network and Latchingdon Water Recycling Centre. Its response explains that the existing network and treatment capacity cannot accommodate the additional flows without a risk of pollution and deterioration in downstream water quality. However, if the Council is minded to approve, Anglian Water recommends a strategic foul-water condition to ensure that the development does not proceed to occupation until the necessary infrastructure is available.
- 5.7.10 The identified foul-water constraints can therefore be addressed through a Grampian-style strategic condition. The condition would prevent occupation until the necessary infrastructure serving the relevant development is available, including any required network and treatment improvements or an alternative lawful treatment solution if network improvements are unavailable. This would ensure that additional foul flows do not arise before an agreed and deliverable solution is in place.
- 5.7.11 Subject to that condition, the foul-water position is considered capable of satisfactory resolution and does not prevent the scale of development from being accommodated.

Conclusion

- 5.7.12 Surface water and local flood risk can be addressed by the submitted strategy and site-specific conditions, taking account of the July LLFA response. The foul-water constraints can be addressed through the strategic condition described above. The development is therefore considered acceptable in flood risk and drainage terms and accords with Policy D5 of the LDP and NPPF Policies F4 to F8.

Ecology, Habitats Regulations and Biodiversity Net Gain (BNG)

- 5.7.13 Policies N1 and N2 and NPPF Policies N2, N3 and N6 require biodiversity harm to be avoided or mitigated, ecological networks and trees to be strengthened and international sites to be protected. Policy N6 requires refusal unless an Appropriate Assessment concludes that the proposal would not adversely affect the integrity of the affected Habitats site, alone or in combination, or the statutory derogation route is satisfied.
- 5.7.14 The Ecological Impact Assessment, Great Crested Newt baseline survey, Biodiversity Net Gain Assessment and statutory metric were submitted in September 2025. The additional Bat Survey Report, dated 27 January 2026, completes the evidence relating to bats. Place Services Ecology's response dated 2 March 2026 confirms that sufficient ecological information is available to determine the application and withdraws its previous holding objection, subject to conditions and Natural England's formal comments on the Council's Appropriate Assessment.
- 5.7.15 The bat evidence records use of the site for foraging and commuting, particularly by common pipistrelle, but no confirmed roosts. Retained vegetation and boundary features are relevant to that activity. Construction precautions, a sensitive lighting strategy and biodiversity enhancements are required. The ecological conditions also secure a review of survey evidence if development has not commenced within one year of permission, in accordance with the Ecology response.
- 5.7.16 The Great Crested Newt survey and other ecological evidence have been considered by Place Services. Precautionary working methods for protected and priority species, nesting birds and habitat clearance are to be included in the biodiversity construction management plan. A condition also requires implementation of the mitigation in the Ecological Impact Assessment and Bat Survey Report.
- 5.7.17 Natural England's response dated 14 November 2025 identifies the potential for increased recreational pressure on coastal Habitats sites and requests an Appropriate Assessment. The applicant's shadow Habitat Regulation Assessment (HRA) dated 20 March 2026 considers the relevant Essex coastal sites, including the Blackwater Estuary, Crouch and Roach Estuaries and Essex Estuaries SAC. It concludes that recreational effects can be mitigated through RAMS, with local open space and walking opportunities also forming part of the proposed design.
- 5.7.18 The applicant's shadow HRA has been treated as technical evidence to inform the Council's assessment rather than as a substitute for the LPA's statutory role. Officers, acting on behalf of the LPA as competent authority, have independently considered the shadow HRA alongside the ecological evidence, the advice of Place Services Ecology, the representations of Natural England and the mitigation proposed as part of the development. The Council concurs with the relevant findings and conclusions of that evidence and, on that basis, has carried out and completed its own Appropriate Assessment for the purposes of the Habitats Regulations.
- 5.7.19 The Appropriate Assessment considers the potential effects arising from recreational pressure upon the relevant Essex coastal Habitats sites and the potential water-quality pathway associated with foul drainage. Recreational effects would be addressed through

the Essex Coast RAMS contribution, together with the on-site open space and walking opportunities identified within the assessment. The strategic foul-water condition prevents occupation until the necessary infrastructure is available, ensuring that additional foul flows do not arise before a lawful solution is in place.

- 5.7.20 Natural England has been consulted on the information upon which the Appropriate Assessment was undertaken and raises no objection to the conclusion reached, subject to the identified mitigation being secured. On this basis, the LPA as competent authority is satisfied that the proposal would not adversely affect the integrity of the relevant Habitats sites, either alone or in combination with other plans and projects.
- 5.7.21 RAMS is to be secured through the Section 106 agreement. The Council's published transitional arrangements retain the tariff in force when an application awaiting determination on 31 July 2026 was submitted. Fairfield was submitted in September 2025; the relevant submitted evidence identifies £169.45 per net new dwelling. At a maximum net increase of 46 dwellings, this equates to £7,794.70, subject to the final dwelling total and confirmation that the existing dwelling is removed. The draft heads of terms provide for payment before commencement, consistent with the timing relied upon in the shadow HRA.
- 5.7.22 The Biodiversity Net Gain Assessment identifies gains of 18.94% in habitat units, 43.15% in hedgerow units and 11.52% in watercourse units, with no off-site units required on the submitted illustrative scheme. Place Services supports the application-stage metric and considers the proposed outcomes realistic and deliverable. Those figures remain dependent upon a detailed layout and an approved Biodiversity Gain Plan; they are not a substitute for securing the statutory requirement.
- 5.7.23 The statutory biodiversity gain condition applies. A Habitat Management and Monitoring Plan will secure the significant on-site enhancements, including mixed scrub, other neutral grassland, rural trees and species-rich native hedgerow, for at least 30 years. The recommended reporting years are 1, 3, 5, 10, 15, 20, 25 and 30, with responsibilities, funding, monitoring and remedial measures defined. The final plans and metric must use a consistent red line and reflect any changes needed for tree retention, drainage or acoustic mitigation.
- 5.7.24 The requirements of the Habitats Regulations and NPPF Policy N6 are therefore satisfied, subject to the mitigation relied upon in the Appropriate Assessment being secured through the planning obligations and conditions identified within this report.

5.8 Residential Amenity, Air Quality, Noise and Ground Conditions

- 5.8.1 Policies D1 and D2 of the LDP and NPPF Policies P2 to P5 require safe and healthy living conditions, protection from unacceptable noise, air, light and contamination effects, and compatibility between housing, employment and other uses.
- 5.8.2 The final relationships between new dwellings, Grove House, Red Lyons House and the adjoining business premises are reserved for detailed consideration. The site's width, landscape margins and proposed two-storey form offer scope to achieve suitable separation, privacy and outlook. Reserved matters must demonstrate those relationships, including the effect of level changes and any acoustic boundary treatment, without unacceptable overlooking or overbearing effects.
- 5.8.3 The Noise Assessment identifies Burnham Road as the dominant existing source and considers existing and consented activity at Red Lyons Business Centre. Environmental Health's response dated 23 December 2025 concludes that the site is generally at negligible to low risk of adverse noise effects, with localised medium risk close to

Burnham Road. It raises no objection subject to a detailed Noise Impact Assessment and Acoustic Design Statement and a Construction Environmental Management Plan.

- 5.8.4 The detailed acoustic design must address the final layout and building orientation, road and commercial noise, glazing, ventilation, external amenity areas and any barriers or screening. The indicative 4 metre eastern barrier is one assessed option, rather than a fixed permission for a boundary structure of that height. The scheme must protect future occupiers while allowing established lawful business activity to continue without unreasonable restriction. All necessary mitigation must be in place before the affected dwellings are occupied.
- 5.8.5 Construction would temporarily increase noise, dust, vibration and vehicle activity. The proposed construction management condition combines the relevant Environmental Health and Highway Authority requirements, including working hours, routing, parking, loading, wheel washing, storage and a site-manager contact and complaints procedure. The biodiversity construction plan addresses the additional ecological precautions and lighting during works.
- 5.8.6 The Phase I Site Appraisal records historical and current potential contamination sources, including scrap storage, vehicles and machinery, fuel or liquid containers and made ground. Residential development with gardens is a sensitive end use. Conditions require intrusive investigation and risk assessment where necessary, an approved remediation scheme, verification before occupation and a procedure for unexpected contamination. Those requirements are supported by the site evidence and are not based on an assumption that the previous storage use has already been remediated.
- 5.8.7 External lighting must protect neighbours and the character of the area while avoiding harmful illumination of bat corridors. A coordinated lighting condition, informed by the ecology and Police advice, will address these matters. Subject to the detailed design and environmental conditions, the proposal is capable of providing satisfactory living conditions and protecting neighbouring occupiers in accordance with the relevant policies.

5.9 Planning Obligations

- 5.9.1 LDP Policies I1, I2, E3 and E6 and NPPF Policies DM5, DM6, HC3 and HC4 require development to provide or fund infrastructure made necessary by the scheme. Every obligation must be necessary to make the development acceptable, directly related to it and fairly and reasonably related in scale and kind.
- 5.9.2 ECC's education and infrastructure response dated 26 January 2026 identifies demand for additional early years and primary school places and requests £86,504 for early years and childcare and £288,345 for primary education, indexed from quarter 1 of 2025. It does not request secondary school-place or post-16 education contributions. It also seeks £3,812.20 for libraries, indexed from April 2020, an Employment and Skills Plan and £700 monitoring per obligation. These requested contributions, other than school transport as addressed below, are included in the heads of terms.
- 5.9.3 Following discussions with both ECC Highways and Education and Infrastructure teams, no school transport contribution is included in the proposed heads of terms - on the basis that the required highway improvements to Burnham Road are intended to provide a safe walking route to the schools, negating the need for specific, short distance school bus services. For primary education, the new footway and crossing connection are material to ECC's earlier conclusion that no safe route was available. The exclusion must be read with the requirement that the complete route is delivered before occupation.
- 5.9.4 The £135,000 public transport request is included, subject to the project, cost and apportionment clarification identified in the transport assessment section. The legal

agreement and highway arrangements must distinguish that financial contribution from the access, footway, crossing, bus-stop and Traffic Regulation Order works so that there is no double recovery. The travel information packs and six one-day vouchers per dwelling are separately secured by condition.

- 5.9.5 The agreement must also secure the affordable housing, RAMS, public open space and play provision, long-term management of green infrastructure and any biodiversity land or funding commitments not adequately secured by condition. Any monitoring charge must be proportionate to the work required and must not duplicate another charge. Each financial obligation should identify its purpose, trigger, indexation and repayment provisions.
- 5.9.6 Subject to the highlighted clarification of amounts and justification, the obligations are directed to the effects of this development. Infrastructure needed to make the proposal acceptable is treated as mitigation in the planning balance rather than as an additional benefit merely because money or works would be provided.

5.10 Other Matters

- 5.10.1 The Sustainability Statement proposes a fabric-first approach, efficient building services, air-source heat pumps, solar photovoltaic generation, water efficiency and measures to reduce overheating. It indicates the potential for a 63% reduction in regulated carbon emissions against its Part L 2021 baseline. As the house types and detailed design are reserved, that modelled outcome should not be presented as an already fixed performance standard. A proportionate condition secures a detailed energy and sustainability scheme and its implementation, coordinated with the applicable Building Regulations.
- 5.10.2 The proposal is for up to 47 homes on a site below five hectares on either of the area figures supplied. No part of the application site is identified as an EIA sensitive area. Its location within the wider recreational Zone of Influence of coastal Habitats sites does not itself place the site within those designations. On the described residential scope, the dwelling-number and overall area thresholds for Schedule 2 urban development are not exceeded. No Environmental Impact Assessment requirement has been identified on the supplied information; this conclusion is separate from the need for a Habitats Regulations Assessment.
- 5.10.3 The applicant undertook community engagement before submission, including a website consultation publicised by leaflets to 663 addresses and recording 78 responses. Those responses informed the submitted Statement of Community Involvement. They are distinct from the four objections recorded in the supplied summary of representations on the planning application and should not be added together as a single consultation total.
- 5.10.4 The recommendation includes pre-commencement conditions where the relevant information is necessary before demolition, groundworks or construction to avoid harm. The timing and reasons are stated in the schedule.

5.11 Planning Balance and Conclusion

- 5.11.1 The starting point is the development plan. The site is outside the defined settlement boundary of Latchingdon and is not allocated for housing. The proposal therefore conflicts with Policies S1, S2 and S8 insofar as they seek to direct residential growth to allocated sites and within defined settlements. The proposed change in land use and the consequences of extending residential development into the rear of the site must be assessed alongside that conflict.

- 5.11.2 The Council cannot demonstrate a five-year housing land supply. For the reasons given in section 5.1, the proposal is physically well related to Latchingdon and would address an evidenced unmet need. It is therefore considered to fall within Policy S5(1)(j). The applicable test is whether the benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies.

Social Benefits

- 5.11.3 The provision of up to 47 homes, representing a net addition of 46 dwellings, would make a material contribution to the District's housing supply. NPPF Policy HO7 requires substantial weight to be given to development meeting an evidenced accommodation need. Substantial positive weight is therefore attributed to the housing provision.
- 5.11.4 A minimum of 19 affordable homes at the maximum quantum would respond to the need identified by Strategic Housing, including the demand for rented family accommodation and accessible homes. The policy-compliant affordable provision, secured through the legal agreement, attracts substantial positive weight. This benefit is considered alongside the overall housing delivery without treating the same dwelling twice as an additional unit of supply.
- 5.11.5 Public open space, play and landscaped walking routes would contribute to a satisfactory living environment. Much of that provision is required to meet the needs generated by the scheme. Limited positive weight is given to any wider public recreational benefit, with the extent of public access and management to be secured.

Economic Benefits

- 5.11.6 Construction would support employment and spending within the supply chain, and future residents would contribute expenditure to local services. The construction element is temporary and the longer-term effect is proportionate to a 47-home development. Limited positive weight is given to these economic effects. The proposed Employment and Skills Plan would help direct appropriate opportunities towards local people.

Environmental Benefits

- 5.11.7 The scheme would remove existing structures and scrap storage and provide a more coherent landscape framework. Given the existing mixed condition of the land, limited positive weight is given to that improvement; it does not negate the landscape effects of introducing additional housing.
- 5.11.8 The submitted biodiversity assessment indicates gains above the statutory minimum in each applicable unit type. The additional gain beyond the minimum attracts limited positive weight, subject to its delivery being maintained through the detailed design and secured management. The baseline statutory requirement is not treated as an additional discretionary planning benefit.
- 5.11.9 The footway and crossing improvements would provide a connection where none presently exists. They are necessary to make the development acceptable and are principally mitigation. To the extent that they also improve routes for existing residents, limited additional positive weight is appropriate. The sustainability proposals can further reduce resource use, but their outline-stage nature limits the weight given to a particular modelled carbon saving.

Adverse Impacts of the Proposal

- 5.11.10 Conflict with the adopted settlement strategy is a material adverse consideration. In the context of the current NPPF approach and the acknowledged housing-supply shortfall,

limited adverse weight is attributed to that conflict. It remains part of the balance and is not treated as extinguished by national policy.

- 5.11.11 The development would introduce more extensive housing, roads, activity and lighting into the site and change its relationship with open land to the south. The existing enclosure, mixed uses and proposed planting limit the wider effect, but the localised landscape and countryside harm attracts moderate adverse weight. Limited adverse weight is given to the loss of land presently in agricultural or grassed use.
- 5.11.12 Some additional car dependence would remain, given the distance to larger service centres and rail stations. The highway improvements and public transport mitigation would reduce that effect, but do not remove it. Limited adverse weight is attributed to residual car travel. Temporary construction noise, dust, traffic and visual disturbance also attract limited adverse weight, subject to the construction controls.
- 5.11.13 The technical evidence indicates that detailed design, highway safety, surface water drainage, archaeology, trees and residential amenity can be made acceptable by conditions and obligations. No separate unacceptable harm has been identified in those respects. The identified foul-water constraints are capable of resolution through the strategic condition, while the completed Appropriate Assessment, following consultation with Natural England, concludes that the development would not adversely affect the integrity of the relevant Habitats sites subject to the identified mitigation.

Planning Balance Summary

- 5.11.14 The principal benefits are the net addition of up to 46 homes and the delivery of at least 19 affordable homes within a 47-dwelling scheme. Both attract substantial positive weight. More limited benefits arise from construction and local spending, removal of storage, public green infrastructure, biodiversity gain above the statutory minimum and wider pedestrian connectivity.
- 5.11.15 Against those benefits are the development-plan conflict, localised landscape and countryside change, limited agricultural loss, additional car travel and temporary construction effects. Subject to securing the necessary mitigation, those adverse effects would not substantially outweigh the benefits.
- 5.11.16 Having regard to the assessment above, the identified adverse effects would not substantially outweigh the benefits of the development. The proposal therefore satisfies the decision-making test in NPPF Policy S5. Officers therefore recommend that planning permission be granted subject to the proposed conditions and the applicant entering into a legal agreement to secure the necessary planning obligations set out in section 8.

6. ANY RELEVANT SITE HISTORY

- 6.1** The following history is relevant to the application and its surrounding context. Permissions on adjoining land do not authorise development at Fairfield.

Reference	Description	Decision
24/03047/PREAPP	Pre-application enquiry concerning residential development at Fairfield.	Advice dated 12 December 2024, as identified in the application form.

Reference	Description	Decision
18/01387/OUT and 21/01198/RES	Business development at Red Lyons Business Centre, adjoining the site to the east. Relevant to the acoustic assessment.	Outline permission granted in 2018; reserved matters approved in April 2022.
22/01174/OUTM	Up to 160 dwellings on land north of The Groves, Burnham Road. Relevant to the surrounding built context and pedestrian infrastructure.	Allowed on appeal on 5 July 2024.
25/00798/RESM	Reserved matters for the permitted development north of The Groves.	Reported to committee on 25 February 2026.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council 2 February 2026	Recommends refusal. Outside the settlement boundary; conflict with Policies S1, S2, S8, D1 and N2. No continuous footway and excessive walking distances. Cumulative pressure on roads, schools, health services and infrastructure, with reference to other developments in the area.	The settlement-policy conflict is acknowledged in section 5.1 and weighed in section 5.11. Highway works must provide a complete pedestrian connection before occupation. Technical impacts and cumulative infrastructure requirements are assessed in sections 5.6–5.9 and secured through conditions and obligations, subject to the highlighted confirmations.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways 5 January 2026	No objection subject to a construction plan, access and visibility, 2 metre footway and crossings, £135,000 public transport contribution, extension of the 30mph limit and travel packs including six one-day vouchers per dwelling.	Conditions 7–11 and the Section 106 heads address these requirements. See section 5.6.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority 18 July 2026	Latest response raises no objection subject to detailed SuDS, construction water management, maintenance arrangements and annual logs. Earlier holding objections are superseded by this response.	Conditions 14–16 include the requested requirements, including 2.6 litres/second discharge, 45% climate change and 10% urban creep. See section 5.7.
Anglian Water 28 November 2025	Objects owing to insufficient Latchingdon Water Recycling Centre and foul-network capacity. No suitable point of connection can presently be offered. No treatment upgrade is funded in AMP8. Suggests a strategic foul-water condition if approval is granted.	Proposed condition 12 restricts commencement and occupation pending an approved, delivered solution. See section 5.7.
Natural England 14 November 2025	Further information required. Identifies recreational effects on coastal Habitats sites and requests the Council's Appropriate Assessment with secured RAMS mitigation. Bespoke mitigation would require further consultation.	A shadow HRA was submitted on 20 March 2026. Including Appropriate Assessment assessed by the LPA. RAMS is included in the heads of terms. See section 5.7.
Essex County Council Education and Infrastructure 26 January 2026	Seeks early years £86,504, primary education £288,345, libraries £3,812.20, school transport, an Employment and Skills Plan and £700 monitoring per obligation. No secondary-place or post-16 contribution sought.	Other requested contributions are included. School transport is omitted on the proposed safe-walking-route basis. See section 5.9.
Essex Police 19 November 2025	Recommends Secured by Design principles and accreditation, with attention to boundary security, lighting and early engagement with the Designing Out Crime Officer.	Condition 27 secures a crime-prevention scheme informed by Secured by Design principles. Lighting must also meet condition 23. An informative encourages further engagement and accreditation.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
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Name of Internal Consultee	Comment	Officer Response
Strategic Housing 14 January 2026	Supports 40% affordable housing. Seeks an appropriate size/tenure mix, 80% rented and 20% intermediate, with 75% of the rented element as Social Rent; accessible homes, space standards, affordability controls and provision addressing family and bungalow needs.	At least 19 affordable homes at the maximum quantum, with detailed tenure, standards, nominations and delivery secured through the Section 106 agreement. Condition 5 addresses mix and accessibility. See section 5.2.
Environmental Health 23 December 2025	No objection subject to detailed Noise Impact Assessment and Acoustic Design Statement, and a construction plan addressing noise, dust, vibration, hours and site-manager contact.	Conditions 10 and 26 secure the requested measures. The detailed acoustic design must address Burnham Road and existing/consented Red Lyons Business Centre activity. Contamination controls are also justified by the Phase I appraisal. See section 5.8.
Place Services Ecology 2 March 2026	No objection subject to conditions and Natural England's formal comments on the Council's Appropriate Assessment. January bat holding objection resolved. Supports submitted metric; seeks mitigation, biodiversity CEMP, enhancements, sensitive lighting, survey review after one year and long-term habitat management.	Conditions 20–25 address the ecological requirements. Significant habitat enhancements require at least 30 years' management and monitoring. RAMS is secured by obligation. See section 5.7.
Place Services Arboriculture 25 November 2025	No objection to outline development area. Requests exploration of retention of Category B trees T9 and T41 and an updated Arboricultural Impact Assessment, Method Statement and Tree Protection Plan at reserved matters.	Conditions 18 and 19 secure the detailed tree and landscape requirements. See section 5.4.
Place Services Archaeology 3 December 2025	Identifies archaeological potential. Requires staged written investigation, evaluation, mitigation, fieldwork and post-excavation assessment within six months, followed by analysis, publication and archive deposition.	Condition 17 incorporates all stages. See section 5.5.

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised in the Maldon and Burnham Standard on 20 November 2025, with a stated representation deadline of 11 December 2025. Site Notices were also posted on 12 November 2025, with an expiry for comments on 3 December 2025. Three notices were posted along Burnham Road, approaching the site, and one to the east along Rectory Lane.

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 The supplied public-comments summary records four objections, from Jayne Pestell, Lucy Olack, Lone Skau and Diane Burrows, following a portal check on 19 July 2026. Their material planning concerns are summarised below.

Comment	Officer Response
Development outside the village boundary; loss of countryside and village character; excessive cumulative growth.	Policy conflict and localised landscape harm are acknowledged. Housing need, the relationship to the village and the balance of benefits and effects are assessed in sections 5.1, 5.4 and 5.11.
Traffic, speeding and accidents on Burnham Road; road capacity, diversions, bypass and emergency access concerns.	ECC Highways raises no objection subject to mitigation. Access, visibility, footways, crossings and the speed-limit extension are secured by conditions. Construction routing is controlled. See section 5.6.
No safe footway; long distances to schools, shops, bus and rail services; dependence on cars and on the North of The Groves works.	The need for a complete pedestrian connection before occupation is accepted. Public transport mitigation and travel packs are required. Residual car dependence is weighed in the balance.
Pressure on schools, GP services, hospitals and other infrastructure.	Education, library and public transport obligations are proposed. School transport is excluded on the stated walking-route basis, subject to the highlighted secondary-distance issue. See section 5.9.
Flooding, drainage, ecology and loss of habitat.	The LLFA's latest response raises no objection subject to conditions. Ecology supports the proposal with mitigation and net gain. See section 5.7.
Light pollution, amenity and construction disturbance.	Reserved matters, lighting, acoustic design and construction conditions control these effects. Landscape buffers and tree protection are required. See sections 5.4 and 5.8.

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

8.1 HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Head	Provision / Purpose
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Head	Provision / Purpose
Affordable housing	40% affordable housing: at least 19 homes where 47 dwellings are built. An agreed affordable housing scheme to secure size, location, clustering, tenure and delivery; 80% rented / 20% intermediate, with 75% of the rented element as Social Rent, subject to an agreed integer split. Registered Provider transfer, nominations, eligibility, rent/service-charge controls and affordable space standards. Four-bedroom rented homes and one-bedroom rented bungalows to meet the Housing response's LHA affordability requirements. Shared ownership to reflect Designated Protected Area restrictions, including an 80% staircasing cap unless an approved exception applies. Delivery and market-occupation triggers to be specified in the agreement.
Early years and childcare	Contribution sought: £86,504, indexed from Q1 2025, subject to ECC confirming the correct dwelling mix, yield, place count and calculation. To provide additional early years and childcare capacity serving the development. Confirm the project, payment trigger, index and expenditure/repayment period.
Primary education	Contribution sought: £288,345, indexed from Q1 2025, subject to ECC correcting the inconsistent pupil/place figures and confirming the calculation. To provide additional primary capacity serving the development, with reference to Christchurch CE Primary.
Libraries	Contribution sought: £3,812.20 at £77.80 per dwelling, indexed from April 2020. Reconcile the 49-unit equivalent with the proposed 47 dwellings; $47 \times £77.80$ is £3,656.60 before indexation. For library facilities, mobile library and outreach services serving the additional population.
Public transport	£135,000 towards improved public transport links, payable before first occupation. ECC to confirm the service/project, cost and apportionment, indexation and expenditure/repayment period and demonstrate compliance with Regulation 122.
Essex Coast RAMS	£169.45 per net additional dwelling under the Council's published transitional arrangements for pending applications submitted before 1 April 2026: £7,794.70 for a maximum net addition of 46 dwellings. Payment before commencement, consistent with the submitted shadow HRA; final agreement to reflect the Council's completed Appropriate Assessment and final net dwelling total.
Public open space, play and green infrastructure	Secure the public open space, children's play area, landscape links and associated infrastructure shown through the approved reserved matters, with a delivery programme and occupation triggers. Provide public access, a responsible management body, funded long-term maintenance, inspection, repair and replacement. Coordinate with drainage and habitat management and secure transfer/adoption arrangements where applicable.

Head	Provision / Purpose
Biodiversity management	Secure any land, access, management-body and funding commitments needed for significant on-site habitat enhancements, coordinated with condition 25 and the statutory Biodiversity Gain Plan. Management for at least 30 years from completion of development, with monitoring in years 1, 3, 5, 10, 15, 20, 25 and 30 and remedial measures. No off-site unit purchase is indicated by the submitted metric.
Employment and skills	An Employment and Skills Plan for the construction phase, agreed with ECC before commencement and implemented throughout construction. Identify local employment, apprenticeships, training opportunities, responsibilities and proportionate monitoring.
Monitoring and legal costs	ECC monitoring fee of £700 per obligation, subject to a proportionate final schedule identifying the obligations monitored. Appropriate Council monitoring and reasonable legal costs associated with the agreement.

8.2 PROPOSED CONDITIONS

1. Outline time limits

Application for approval of all reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development shall begin not later than two years from the date of approval of the final reserved matter.

REASON: To comply with sections 91 and 92 of the Town and Country Planning Act 1990.

2. Reserved matters

No development shall commence until details of the appearance, landscaping, layout and scale of the development, hereinafter called the reserved matters, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved reserved matters.

REASON: To define the matters reserved for later approval and secure a high quality development in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and Policies L2, L3, DP3 and DP4 of the NPPF.

3. Approved access and plans

The development shall be carried out within the site identified on Site Location Plan 1404/002 Rev B. The means of vehicular access shall be carried out in accordance with drawings I000277/04.1 Rev A (Access and Footway Provision), I000277/04.2 Rev A (Access Visibility) and I000277/04.3 Rev A (Pedestrian Crossing Visibility), subject to the detailed engineering requirements of conditions 7–9 and 13. Reserved matters shall accord with the development parameters on the Parameters Plan 1404/007 Rev B

The Illustrative Masterplan 1404/003 Rev V5 and Illustrative Landscape Masterplan LAT-EDL-XX-ZZ-DR-L-150 P3 are illustrative only and do not approve the reserved matters.

REASON: To define the permission and provide safe and suitable access in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

4. Maximum quantum

The development shall comprise no more than 47 dwellings, together with the associated access, open space, landscaping, drainage and infrastructure. The existing dwelling and structures identified for demolition within the site shall be removed before first occupation of any dwelling hereby permitted.

REASON: To define the scope of the outline permission in accordance with Policies S1, D1 and H4 of the Maldon District Local Development Plan and Policies S5 and HO7 of the NPPF.

5. Housing mix, space and accessibility

The housing unit size mix for the market and affordable residential units within the development hereby approved shall be agreed as part of the reserved matters application(s) and shall have regard to the housing mix requirements as set out within the Maldon District Council Technical Advice Note (TAN) on Housing Mix, the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

All dwellings shall meet Building Regulations M4(2) unless a site-specific technical reason is submitted to and approved in writing by the Local Planning Authority. At least 10% of the dwellings shall meet Building Regulations M4(3), with the distribution and wheelchair accessible or adaptable specification of affordable accessible dwellings to be agreed with the Local Planning Authority in consultation with the Local Housing Authority. The reserved matters shall identify the relevant units and demonstrate compliance. Affordable dwellings shall meet the Nationally Described Space Standard. The development shall be completed in accordance with the approved details.

REASON: To meet evidenced housing needs and provide inclusive accommodation in accordance with Policies H1, H2 and H4 of the Maldon District Local Development Plan and Policies HO7, HO8 and HO9 of the NPPF.

6. Levels, materials, boundaries and servicing

No above ground development shall commence until existing and proposed levels, finished floor levels, external materials, boundary treatments, refuse and cycle stores, parking and turning areas, utility structures, meter boxes and hard surfacing details have been submitted to and approved in writing by the Local Planning Authority. The levels shall accord with the approved flood-risk and drainage requirements. The approved details serving each dwelling shall be completed before its first occupation and retained thereafter. Parking, turning and cycle facilities shall remain available for their approved purposes.

REASON: To protect character, drainage, accessibility and amenity in accordance with Policies D1, D2 and D5 of the Maldon District Local Development Plan and Policies DP3, DP4, P3 and F7 of the NPPF.

7. Burnham Road access and visibility

No development other than site preparation approved under condition 10 shall take place until the access engineering details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall provide a minimum 5.5 metre carriageway width, a 2 metre footway on the western side of the access, a straight alignment for at least the first 15 metres from the highway and junction radii to be agreed with the Highway Authority.

Before the access is first brought into use for the development, visibility splays of 2.4 metres by 126.9 metres to the west and 2.4 metres by 119.2 metres to the east shall be provided as shown on drawing I000277/04.2 Rev A and kept permanently clear to ground level. No dwelling shall be occupied until the permanent access and all its approved engineering works are complete and available for use. The access and splays shall thereafter be retained.

REASON: To provide safe and suitable access for all users in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

8. Two metre footway, crossings and bus-stop connections

No dwelling shall be occupied until a continuous 2 metre wide footway along the southern side of Burnham Road, extending west from the site access to a point approximately 20 metres west of the new access to the development north of The Groves, and the associated crossing facilities have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The details shall include dropped kerbs and tactile paving at the western connection and for access to the bus stops, pedestrian visibility, drainage and any necessary lighting consistent with condition 23. They shall identify all connecting sections and any bus-stop works needed to provide a complete, safe and usable route to the existing village footway network and operational bus stops. All those works shall be completed before first occupation, made available for public use and retained thereafter.

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

9. Extension of 30mph speed limit

No dwelling shall be occupied until the extension of the existing 30mph speed limit on Burnham Road (B1018) to a point east of the principal site access, agreed with the Highway Authority, has been secured through the appropriate Traffic Regulation Order process and brought into effect, and the associated traffic signs, gateway treatment and road markings have been provided in accordance with details agreed with the Highway Authority. The developer shall meet the costs of the required order and works. The approved measures shall thereafter be retained in accordance with the requirements of the Highway Authority.

REASON: To ensure that vehicle speeds are appropriately managed in the vicinity of the site access and to provide safe and suitable access in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

10. Construction Environmental Management Plan

No development, including demolition, site clearance or preliminary groundworks, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain and comprehensively address, to the statutory industry standards of health and safety regulations, professional codes of practice, cost frameworks, and quality management systems, the following matters:

- (a) hours of construction, deliveries and any piling operations;
- (b) vehicle haul routing for demolition, remediation and construction, safe temporary access and on-site parking for operatives and visitors;
- (c) wheel and underbody washing, sheeting of vehicles carrying loose materials and measures to keep the highway clear;
- (d) loading and unloading, storage of plant and materials, compounds, temporary hardstandings, hoarding and lighting;
- (e) noise control with reference to BS5228, vibration controls and appropriate monitoring;
- (f) dust-generating activities and sensitive receptors, suppression and containment, haul-road speed controls, covering of stockpiles and transport,

inspection frequencies and action levels;
(g) waste management, fuel and chemical storage, pollution prevention and coordination with the approved construction water-management and biodiversity plans; and
(h) site-manager contact details, community liaison and a procedure for recording, handling and monitoring complaints.
Works on site shall only take place in accordance with the approved CEMP.
REASON: To protect highway safety, amenity and water quality during construction in accordance with Policies D1, D2, T1 and T2 of the Maldon District Local Development Plan and Policies P3, TR4, TR6 and F8 of the NPPF. Approval is required before commencement because demolition and initial groundworks can give rise to these effects.

11. Residential travel information packs

Before first occupation of the development, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. It shall include local walking, cycling and public transport information and six one-day public transport vouchers for each dwelling for use with the relevant local operator. An approved pack and the vouchers shall be provided to the first occupier of each dwelling upon occupation.
REASON: To promote sustainable travel in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

12. Strategic foul water strategy

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

13. Watercourse crossing and flood levels

No works to the access culvert or any ordinary watercourse shall commence until final plans and cross sections, hydraulic assessment, culvert dimensions, bank treatment, construction sequence, maintenance access and arrangements for managing blockage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall demonstrate that the crossing and development will not increase flood risk on or off site and shall be coordinated with the approved surface water scheme.
The approved crossing works shall be completed before the permanent access is brought into use. The development shall incorporate finished floor levels at least 300 millimetres above adjacent ground levels, as proposed in the submitted Flood Risk Assessment, with safe exceedance routes and access, in accordance with the levels approved under conditions 6 and 14. The approved measures and maintenance access shall be retained.
REASON: To protect watercourse capacity and biodiversity and ensure safe development without increasing flood risk in accordance with Policy D5 of the

14. Detailed surface water drainage

No works except demolition shall take place until a detailed surface water drainage scheme, based on sustainable drainage principles and the hydrological and hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) verification of infiltration suitability through testing in accordance with BRE365 and Chapter 25.3 of the CIRIA SuDS Manual C753;
- (b) a maximum discharge of 2.6 litres per second for all storm events up to and including the 1 in 100 year event plus 45% climate change, with evidence of the necessary outfall and third-party permissions;
- (c) sufficient storage to prevent off-site flooding caused by the development in events up to and including the 1 in 100 year event plus 45% climate change;
- (d) evidence that storage features can half empty within 24 hours after the critical 1 in 30 year event plus 45% climate change, or can accommodate a 1 in 10 year event within 24 hours of that event;
- (e) a 10% urban creep allowance applied to impermeable areas in the storage calculation;
- (f) final modelling and calculations for all drainage areas, treatment in accordance with the Simple Index Approach in Chapter 26 of C753, and detailed engineering drawings of each component;
- (g) a final drainage plan showing levels, finished floor levels, exceedance and conveyance routes and the location and size of drainage features; and
- (h) an updated drainage strategy incorporating these requirements and identifying changes from the submitted strategy.

The approved scheme shall be implemented in full before first occupation and retained thereafter.

REASON: To prevent flooding and pollution and provide multifunctional drainage in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies F4, F7 and F8 of the NPPF. Approval is required before works commence to prevent installation of an inadequate system and associated flood and pollution risks.

15. Construction surface water management

No works shall take place until a construction surface water and groundwater management plan has been submitted to and approved in writing by the Local Planning Authority. It shall identify temporary drainage, settlement and treatment, dewatering arrangements, protection of watercourses and sewers, fuel and chemical controls, exceedance routes, inspection, maintenance, incident response and the sequence for bringing permanent SuDS into operation. It shall demonstrate how off-site flooding and pollution will be prevented throughout demolition and construction. Works shall accord with the approved plan.

REASON: To prevent construction stage flooding and water pollution in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies P3, F7 and F8 of the NPPF. Approval is required before works begin because site clearance, soil removal and dewatering may increase runoff and pollution.

16. SuDS maintenance and logs

Before first occupation, a maintenance plan for every surface water drainage feature shall be submitted to and approved in writing by the Local Planning Authority, identifying the responsible body for each element, maintenance access, tasks and frequencies, long-term funding and remedial procedures. The drainage shall thereafter be maintained in accordance with the approved plan for the

lifetime of the development. Annual inspection and maintenance logs shall be kept by the applicant or successor in title and made available for inspection by the Local Planning Authority on request.

REASON: To secure effective lifetime operation of the drainage system in accordance with Policy D5 of the Maldon District Local Development Plan and Policy F8 of the NPPF.

17. Archaeological programme

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured by a Written Scheme of Investigation submitted to and approved in writing by the Local Planning Authority. The following stages shall be completed:

- (a) archaeological evaluation shall be undertaken in accordance with the approved scheme and its completion confirmed in writing by the Local Planning Authority before other development or preliminary groundworks proceed;
- (b) where the evaluation identifies a need for mitigation, a further Written Scheme of Investigation for mitigation shall be submitted to and approved in writing before development in the affected area;
- (c) the necessary fieldwork shall be completed in accordance with that scheme and approved in writing before development proceeds in the affected area;
- (d) a post-excavation assessment and updated project design shall be submitted to and approved in writing within six months of completion of the fieldwork, or another period agreed in writing by the Local Planning Authority; and
- (e) analysis, publication and archive deposition shall be completed in accordance with the approved project design and timetable.

REASON: To preserve by record and, where appropriate, in situ archaeological remains in accordance with Policy D3 of the Maldon District Local Development Plan and Policies HE4, HE5 and HE10 of the NPPF. Approval is required before ground disturbance to avoid loss of archaeological evidence.

18. Trees and hedgerows

The reserved matters shall be accompanied by an updated Arboricultural Impact Assessment demonstrating the retention of trees and hedgerows, including consideration of Category B trees T9 and T41. No development, demolition or site clearance shall commence until a final Arboricultural Method Statement and Tree Protection Plan compliant with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority.

Retained trees and hedgerows shall be fenced before clearance or construction and protected from storage, plant, excavation, service installation and level changes. The approved protection and supervision shall be maintained throughout the works. Any retained or replacement specimen that dies, is removed or becomes seriously damaged or diseased within five years of completion shall be replaced in the next planting season with a specimen of an approved size and species.

REASON: To protect important landscape and biodiversity features in accordance with Policies D1, N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N3 of the NPPF. Approval and protection are required before commencement because initial clearance and construction can irreversibly damage retained vegetation.

19. Green infrastructure and landscape management

The landscaping reserved matters shall include a coordinated Green Infrastructure and Landscape Strategy defining retained vegetation, structural and early planting, boundary buffers, public open space, play provision, SuDS integration, pedestrian routes, species, sizes and densities, establishment, irrigation, replacement and management responsibilities. It shall include an implementation

programme coordinated with the open-space obligations and habitat management plan.

The landscaping shall be implemented in accordance with the approved programme and no later than the first planting season following first occupation, except where the approved programme requires earlier provision. Any tree or shrub that dies, is removed or becomes seriously damaged or diseased within five years of planting shall be replaced in the next planting season with a specimen of an approved size and species. The approved landscape management shall be undertaken thereafter.

REASON: To integrate the development, secure multifunctional green infrastructure and protect landscape character in accordance with Policies D1, N1, N2 and N3 of the Maldon District Local Development Plan and Policies DP3, N2 and N3 of the NPPF.

20. Ecological mitigation

The development shall be carried out in accordance with the mitigation measures identified in the Ecological Impact Assessment (Logika Group, 15 September 2025) and Bat Survey Report (Logika Group, 27 January 2026), as detailed through the approved biodiversity construction, enhancement and lighting schemes required by conditions 21–23. The approved measures shall be implemented in full at the relevant stages of development and retained where they provide permanent mitigation.

REASON: To avoid harm to protected and priority species in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N6 of the NPPF.

21. Biodiversity Construction Environmental Management Plan

No development, including demolition or vegetation clearance, shall commence until a Biodiversity Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. It shall accord with Section 6 of the Ecological Impact Assessment and the Bat Survey Report and include:

- (a) a risk assessment of potentially damaging activities and identification of biodiversity protection zones;
- (b) practical methods for protecting species, nesting birds, retained vegetation, habitats and watercourses;
- (c) the location and timing of sensitive works and occasions when a specialist ecologist must be present;
- (d) responsible persons, lines of communication and the duties of the ecological clerk of works;
- (e) protective fencing, exclusion barriers, warning signs, toolbox talks, incident response and compliance monitoring; and
- (f) construction lighting controls to retain dark corridors for foraging and commuting bats.

The approved plan shall be adhered to throughout demolition and construction.

REASON: To avoid construction stage harm to biodiversity in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N6 of the NPPF. Approval is required before commencement to protect habitats and species during initial site works.

22. Biodiversity enhancements

A Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted with the reserved matters and approved in writing by the Local Planning Authority before any works above slab level. It shall include conservation objectives, detailed designs or product descriptions, mapped locations, responsible persons, initial

aftercare and long-term maintenance. Measures shall include integrated bird and bat features, hedgehog access and habitat features appropriate to the ecological evidence and approved design. The approved features shall be installed before occupation of the relevant buildings or completion of the relevant landscape area and retained thereafter.

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

23. Wildlife sensitive lighting

A Lighting Design Strategy for biodiversity and amenity shall be submitted with the reserved matters and approved in writing by the Local Planning Authority before installation of any permanent external lighting or first occupation, whichever is earlier. It shall follow Guidance Note GN08/23 and identify sensitive receptors and dark corridors, with horizontal and vertical illuminance contours, spectrum, shielding, mounting heights, hours and controls. It shall demonstrate protection of retained hedgerows, watercourses, trees, bat foraging and commuting routes and neighbouring dwellings.

All external lighting shall be installed and operated only in accordance with the approved strategy. No other external lighting shall be installed without prior written approval of the Local Planning Authority.

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

24. Updated ecological surveys

If development has not commenced within one year of the date of this permission, an ecological review and any necessary updated surveys, impact assessment and revised mitigation shall be submitted to and approved in writing by the Local Planning Authority before commencement. The review shall be undertaken by a suitably qualified ecologist and consider changes in site conditions and the status of protected and priority species and habitats. Any revised mitigation shall be implemented in full in accordance with the approved timetable.

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

25. Habitat Management and Monitoring Plan

No development shall commence until a Habitat Management and Monitoring Plan for the significant on-site habitat creation and enhancement identified in the Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. It shall address mixed scrub, other neutral grassland, rural trees, species-rich native hedgerow and any other significant habitats identified in the final approved metric.

The plan shall specify baseline and target condition, creation and enhancement works, implementation timetable, responsible bodies, funding, management for at least 30 years from completion of development, monitoring methods, success criteria and remedial or adaptive management. Reports shall be submitted to the Local Planning Authority in years 1, 3, 5, 10, 15, 20, 25 and 30 following completion. The plan and any approved remedial measures shall be implemented in full.

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

commencement to coordinate habitat delivery with site works and the statutory Biodiversity Gain Plan.

26. Noise and acoustic design

No development shall commence until a detailed Noise Impact Assessment and Acoustic Design Statement, informed by the Noise Assessment (Logika Group, 15 September 2025), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be coordinated with the reserved matters and shall address the final site layout and building orientation, road traffic noise from Burnham Road and commercial/industrial noise from existing and consented uses at Red Lyons Business Centre.

It shall identify necessary mitigation, including any acoustic barriers, enhanced glazing, ventilation and garden screening, and demonstrate that internal habitable-room and external private-amenity noise levels meet relevant standards. All approved mitigation shall be implemented in full before first occupation of the development and retained thereafter.

REASON: To ensure an acceptable living environment and protect residential amenity in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Policy P3 of the NPPF. Approval is required before commencement because noise mitigation influences the layout and construction of the development.

27. Crime prevention

The reserved matters shall include a crime-prevention scheme informed by Secured by Design principles, addressing natural surveillance, public and private space, access, boundaries, doors and windows, cycle storage and lighting. The scheme shall be approved in writing by the Local Planning Authority and coordinated with the biodiversity lighting strategy. The approved measures serving each dwelling shall be implemented before its first occupation and retained thereafter.

REASON: To provide a safe and secure living environment in accordance with Policy D1 of the Maldon District Local Development Plan and Policy DP3 of the NPPF.

28. Contamination investigation

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

The assessment shall include a survey of the extent, scale and nature of contamination; an assessment of risks to human health, property, adjoining land, groundwater, surface water, ecological systems and other relevant receptors; and an appraisal of remedial options identifying the preferred approach where required. The investigation and assessment shall be undertaken in accordance with current Environment Agency Land Contamination Risk Management guidance and other relevant technical guidance.

REASON: To ensure that risks arising from land contamination are identified and addressed and to protect future occupiers, controlled waters and the environment in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF. Approval is required before commencement because site works may disturb or spread contamination.

29. Contamination remediation

Where the investigation required by condition 29 identifies contamination requiring remediation, no development within the affected area shall commence, other than

works required to undertake remediation, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify remediation objectives and criteria, the measures to be undertaken, an implementation programme and a verification plan.

The approved remediation shall be completed in accordance with the approved scheme and a verification report demonstrating its satisfactory completion shall be submitted to and approved in writing by the Local Planning Authority before occupation of the affected part of the development.

REASON: To ensure that contamination is remediated so the development is suitable for its intended use and does not give rise to unacceptable risks to human health, controlled waters or the environment in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF. Approval is required before development of an affected area to ensure appropriate remediation.

30. Unexpected contamination

If contamination not previously identified is found, work in the affected area shall cease. An investigation and risk assessment by a competent person, together with a remediation method and verification plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be completed and verified before development resumes in that area or the relevant building is occupied.

REASON: To protect health, controlled waters and the environment in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

Informatives

The statutory biodiversity gain condition applies to this permission. A Biodiversity Gain Plan must be submitted to and approved by the Local Planning Authority before development begins. It should include the final statutory metric, pre- and post-development habitat plans and any legal agreements, off-site register references or credit evidence where applicable. This is separate from the Habitat Management and Monitoring Plan and protected-species requirements.

Works within or affecting the highway require the appropriate agreement and approvals from Essex County Council. The developer should address the Advance Payments Code, any necessary utility or telegraph-pole relocation and separate highway drainage. Planning permission does not authorise highway works or make the required Traffic Regulation Order.

Works to an ordinary watercourse or culvert may require separate consent under the Land Drainage Act. Permission to discharge to an outfall and any necessary riparian or third-party rights must be obtained. SuDS asset information should be provided to the LLFA in GIS format for its asset records, and proposed highway-drainage adoption should be discussed with the Highway Authority.

The applicant is encouraged to engage with Essex Police's Designing Out Crime Officer and seek Secured by Design accreditation. Planning permission does not remove the need to comply with protected-species legislation or obtain any necessary Natural England licence.