

# Unrestricted Document Pack



**MALDON**  
DISTRICT COUNCIL

Princes Road  
Maldon  
Essex CM9 5DL

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



17 June 2026

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

CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**DISTRICT PLANNING COMMITTEE on THURSDAY 25 JUNE 2026 at 7.30 pm**

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

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

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

A copy of the agenda is attached.

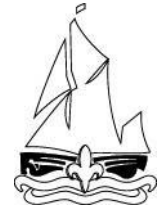
Yours faithfully

Chief Executive

## COMMITTEE MEMBERSHIP:

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

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



**AGENDA  
DISTRICT PLANNING COMMITTEE**

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**THURSDAY 25 JUNE 2026**

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the District Planning Committee held on 25 February 2026 (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **25/01057/OUTM - Land Opposite Prentice Hall Farm, Prentice Hall Lane, Tollesbury, Essex** (Pages 17 - 78)

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

6. **25/00482/RESM - Land South Of Wycke Hill And Limebrook Way, Maldon, Essex** (Pages 79 - 130)

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

7. **25/00131/RESM - Land 250M North Of 16A, Maldon Road, Burnham-On-Crouch, Essex** (Pages 131 - 148)

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

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

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**Note:**

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

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

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

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

**Fire**

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

**Health and Safety**

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

**Closed-Circuit Televisions (CCTV)**

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

**Lift**

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

## DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

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

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

### Statutory Development Plans

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

### Other Material Considerations

#### Legislation

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

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

#### National Planning Policy

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

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

##### *National-scale*

- [National Planning Practice Guidance](#)

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

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

##### *District-scale*

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

*Local-scale*

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

*Maldon District Local Development Plan Review Evidence Base*

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

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



**MINUTES of  
DISTRICT PLANNING COMMITTEE  
25 FEBRUARY 2026**

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**PRESENT**

Chairperson	Councillor M E Thompson
Councillors	M G Bassenger, D O Bown, J R Burrell-Cook, S Dodsley, A Fittock, A S Fluker, L J Haywood, K M H Lagan, A M Lay, S J N Morgan, C P Morley, M G Neall, R G Pratt, U G C Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens, J C Stilts and N J Swindle
Officers (Maldon District Council)	Mr Jaggard, Director of Place, Planning and Growth Mr Purvis, Development Management Team Leader Mr Ball, Principal Planning Officer

**507. CHAIRPERSON'S NOTICES**

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

**508. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors V J Bell, S J Burwood, J Driver, M F L Durham CC, J C Hughes, W J Laybourn, R H Siddall and S White.

It was noted that Councillors N D Spenceley and W Stamp would be arriving late due to an urgent commitment.

**509. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the District Planning Committee held on 15 January 2026 be approved and confirmed.

**510. DISCLOSURE OF INTEREST**

There were none.

Councillor N D Spenceley joined the meeting at this point.

511. **24/00941/OUTM - LAND WEST OF DAVID FISHER WAY, DAVID FISHER WAY, SOUTHMINSTER, ESSEX**

<b>Application Number</b>	<b>24/00941/OUTM</b>
<b>Location</b>	Land West of David Fisher Way, David Fisher Way, Southminster
<b>Proposal</b>	Outline planning application with all matters reserved except for primary means of access from Scotts Hill, for the development of up to 249 dwellings, public open space, together with associated, landscaping, highways, drainage and other infrastructure works
<b>Applicant</b>	Bloor Homes Ltd
<b>Agent</b>	Sam Hollingworth - Ceres Property
<b>Target Decision Date</b>	02.03.2026 (Time Extension agreed with the applicant)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the LDP as outside of the settlement boundary for Southminster Major Development of more than 75 dwellings

Following the Officers' presentation, an objector Mr Vickers and the applicant Mr Wilsher from Bloor Homes addressed the Committee.

Councillor A S Fluker referred to the consultation response from Anglian Water objecting to the proposed development due to insufficient infrastructure in Southminster and queried if this was addressed within the reasons for refusal. He felt that Officers had come to the right decision and then proposed that the application be refused in accordance with Officers' recommendation. This proposal was duly seconded.

In response to a query regarding a consultation response from Burnham-on-Crouch Town Council, the Development Management Team Leader advised that a response had been received that afternoon. He referred to this consultation response, advising Members that the Town Council were recommending refusal of the application as they felt it was in an unsustainable location and contrary to policies.

Members were informed that Officers had considered the consultation response from Anglian Water alongside other recent appeal decisions for similar developments. Referring to a development in Latchingdon, the Development Management Team Leader explained how the Planning Inspector had considered a Grampian style condition requiring the sewage and foul drainage system to be approved by the Council, discharged, built and be in place prior to any occupation of any of the buildings and how this also accorded with the National Planning Policy Framework. Officers had not included this as a reason for refusal as it was felt that the matter could be mitigated by a Grampian condition. In response to a suggestion that this be included as a reason for refusal, the Director of Place, Planning and Growth provided further explanation, advising that if Members were considering referring to this they needed to consider if the tilted balance applied because the Council was unable to demonstrate a Five-Year Housing Land Supply (5YHLS). It could be mitigated by a Grampian condition but if a Grampian condition couldn't be satisfied until Anglian Water had provided a facility (which potentially had a long lead in time) this wouldn't be delivering the homes to mitigate the impact of the Council's 5YHLS.

Councillor Fluker proposed an amendment to his earlier proposal, proposing that the comments raised by Officers in relation to the Latchingdon appeal decision and Anglian Water be included as a reason for refusal. This was duly seconded and upon a vote being taken the amendment was agreed.

The Chairperson then put the proposed refusal in the name of Councillor Fluker with the additional reason for refusal as agreed. Upon a vote being taken this was duly agreed.

It was agreed that the additional reason for refusal would be drafted by Officers and agreed in writing with the Chairperson and Vice-Chairperson of the Committee.

**RESOLVED** that this application be **REFUSED** for the following reasons:

1. The proposed indicative housing mix would not meet the current and future housing needs of the District as set out in latest Maldon District Local Housing Needs Assessment (LHNA 2025) along with the Council's own Technical Advice Note (TAN). Consequently, the current and future population of the District would not have access to the type of housing that is needed. As such the proposal is considered unacceptable and contrary to policy H2 of the Maldon District Local Development Plan and contrary to the guidance contained in Chapter 5 of the NPPF and PPG.
2. The proposed development is not well related to and does not integrate with the existing settlement and as a result it would not achieve connectivity and permeability linkages with the existing settlement in placemaking terms and would appear disconnected and detached from the existing settlement. Furthermore, the proposed pedestrian and cyclist path to the southeastern corner of the site would use an existing shared access arrangement with the employment site, and this would lead to potential conflicts with pedestrians, cyclists and vehicles using this area, particularly through any lorry movements or vans serving the employment site. As such this is considered contrary to policy S1, D1 and T2 of the Maldon District Local Development Plan, Maldon District Design Guide CO1 and the guidance contained with Chapters 8 and 9 of the NPPF.
3. Insufficient information has been provided by the applicant to demonstrate that a list of other 'reasonably available sites' have been considered for the purposes meeting the PPG requirements for the Flood Risk Sequential Test. Consequently, in the absence of this information the Flood Risk Sequential Test cannot be considered to have been passed and as a result the proposal is contrary to the guidance within the NPPF/PPG and is contrary to policy D5 of the Maldon District Local Development Plan.
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal fails to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and support a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary improvements to bus services, the management and maintenance of the public open space, provision of necessary contributions towards health care, community facilities, primary and secondary school places, and library improvements, the impact of the development on existing services and provision cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
6. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation

sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the NPPF.

- 7 Anglian Water object to the application as the Southminster Water Recycling Centre lacks the capacity to accommodate the additional flows that would be generated by the proposed development for wastewater treatment requirements, and this would lead to environmental harm. There is insufficient information within the application to demonstrate how the additional demands for foul drainage arising from the proposed development can be accommodated within the existing sewerage infrastructure in the area. As a result, there is not a clear strategy on how the adverse impacts of the development can be mitigated to make it acceptable in planning terms. Without an agreed mitigation strategy, it is impossible to know whether the mitigation would need to be secured by a planning condition or S106 planning obligation. Furthermore, in the absence of an agreed mitigation strategy, including timings for its delivery, there is no clarity when the proposed homes would be delivered. If the homes cannot be delivered within the next five years then limited weight can be given to the benefits of delivering new homes when judged against the Council's five year housing land supply. This is important part of the planning balance when judged against the NPPF. As such the application is contrary to policies S2 and D2 of the Maldon District Local Development Plan and the guidance contained with the PPG 'Water supply, wastewater and water quality'.

Councillor W Stamp joined the meeting at this point.

**512. 25/0798/RESM LAND NORTH OF THE GROVES BURNHAM ROAD LATCHINGDON**

<b>Application Number</b>	<b>25/00798/RESM</b>
<b>Location</b>	Land North Of The Groves Burnham Road Latchingdon
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application 22/01174/OUTM (Outline planning application (with all matters reserved except for means of access from Steeple Road and Burnham Road) for residential development of up to 160 dwellings including affordable housing, 5% bungalows, 100sqm of office hub floorspace, 0.21ha of land for childrens day nursery and associated parking (Use Class E), community park, sustainable urban drainage system and associated infrastructure).
<b>Applicant</b>	Dandara Eastern
<b>Agent</b>	Michael Smith - JCN Design & Planning
<b>Target Decision Date</b>	4 March 2026 (extension of time agreed)
<b>Case Officer</b>	Gareth Ball
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	The Director of Place, Planning considers, in consultation with the Chairperson, that the proposal is of particular strategic interest.

Members noted that the Members' Update, circulated prior to the meeting, detailed an amendment to paragraph 5.1.2 of the report, additional paragraph 7.5.2 and amendments to proposed conditions 3, 4 and 7.

The Principal Planning Officer advised that a further five letters of objection had been received since publication of the Members' Update and highlighted the concerns

raised. He noted that the construction hours and width of the pavement on Burnham Road were dealt with at outline stage and could therefore not be reconsidered at this point. A consultation response had also been received from Latchingdon Parish Council raising three issues; overlooking of existing residents, discharge of conditions and a landscape buffer zone. Members were advised that comments regarding the discharge of conditions also related to the outline application and were not for consideration at this point. The Officer advised that the Monitoring Officer had confirmed that the office hub was part of the reserved matters application.

Following the Officers' presentation, the Applicant Mr Owen from Dandara Eastern addressed the Committee.

During the lengthy debate that ensued the Officer provided Members with further clarification in respect of the appearance of the proposed dwellings, lighting scheme, removal of hedgerow, layout, landscape buffer, proposed footpaths, maintenance of Local Areas of Play and Local Equipped Areas of Play, and the discharge of proposed conditions if the application was approved.

It was confirmed that the drainage basins were not part of the objection received from Anglian Water and that the outline application contained conditions regarding drainage.

In response to a query regarding the mix of affordable housing the Officer showed Members a plan of the site which detailed this. It was confirmed that the Council's Housing team had checked that the proposal was consistent with the Council's Supplementary Planning Document.

Officers provided the following information in response to further questions raised by Members:

- The outline application had been subject to a road safety audit, with all pavements connecting to Latchingdon designed accordingly. Essex County Council Highways had not raised any objection regarding displays, turning angles and pavement widths.
- Education contributions had been dealt with at the outline stage. It was noted that the contributions related to primary school places and no nursery contribution had been required. In respect of the nursery provision on the site, Members were advised of relevant condition which set out the period when the applicant would need to market the site for a nursery, however if after that period no interest had been received the area of land allocated for a nursery would revert to landscaping.

Access to the site along Beech Drive and the ownership of land here had been brought to Officers' attention, however as it was outside of the applicant and Council's control it was not a reason for refusal. In response to further comments raised regarding this and access arrangements for the footpath to the west of the site, the Director of Place, Planning and Growth agreed that the Council would continue to work with the applicant regarding this. The Director suggested that Members could consider adding a condition that if the footpath was not deliverable with a period of two years that a revised layout scheme be brought back for that element of the site.

Councillor S J N Morgan proposed that the application be approved in accordance with Officers' recommendation, subject to the amendments to conditions 3, 4 and 7 as set out in the Members' Update and additional condition as suggested by the Director of Place, Planning and Growth. This proposal was duly seconded and upon a vote being taken this was duly agreed.

**RESOLVED** that this application be **APPROVED** subject to the following conditions and additional condition as set out above, the wording of which is to be agreed in consultation with the Chairperson of the Committee:

**1 Approved Plans**

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

- 03 Site Location Plan
- Proposed Site Plan 25-0115-002 Rev D
- Proposed Massing Plan 25-0115-003 Rev B
- Proposed Refuse and Cycle Strategy 25-0115-004 Rev C
- Proposed Materials Plan 25-0115-005 Rev C
- Proposed Boundary Treatment plan 25-0115-006 Rev B
- Proposed Car Parking Plan 25-0115-007 Rev B
- Proposed Tenure Plan 25-0115-008 Rev. B
- Proposed Garden Areas Plan 25-0115-009 Rev B
- Highway General Design, Sheet 1 of 2 63100-RJL-0800 rev. P03
- Highway General Design, Sheet 2 of 2 63100-RJL-0801 rev. P03
- Landscape Masterplan 2887-LLA-0001 rev. P03
- Detailed Hard Landscape Proposals, Sheet 1 of 14 2887-LLA-0101 rev. P03
- Detailed Hard Landscape Proposals, Sheet 2 of 14 2887-LLA-0102 rev. P03
- Detailed Hard Landscape Proposals, Sheet 3 of 14 2887-LLA-0103 rev. P03
- Detailed Hard Landscape Proposals, Sheet 4 of 14 2887-LLA-0104 rev. P03
- Detailed Hard Landscape Proposals, Sheet 5 of 14 2887-LLA-0105 rev. P03
- Detailed Hard Landscape Proposals, Sheet 6 of 14 2887-LLA-0106 rev. P03
- Detailed Hard Landscape Proposals, Sheet 7 of 14 2887-LLA-0107 rev. P03
- Detailed Hard Landscape Proposals, Sheet 8 of 14 2887-LLA-0108 rev. P03
- Detailed Hard Landscape Proposals, Sheet 9 of 14 2887-LLA-0109 rev. P03
- Detailed Hard Landscape Proposals, Sheet 10 of 14 2887-LLA-0110 rev. P03
- Detailed Hard Landscape Proposals, Sheet 11 of 14 2887-LLA-0111 rev. P03
- Detailed Hard Landscape Proposals, Sheet 12 of 14 2887-LLA-0112 rev. P03
- Detailed Hard Landscape Proposals, Sheet 13 of 14 2887-LLA-0113 rev. P03
- Detailed Hard Landscape Proposals, Sheet 14 of 14 2887-LLA-0114 rev. P03
- Detailed Planting Proposals, Sheet 1 of 14 2887-LLA-0201 rev. P03
- Detailed Planting Proposals, Sheet 2 of 14 2887-LLA-0202 rev. P03
- Detailed Planting Proposals, Sheet 3 of 14 2887-LLA-0203 rev. P03
- Detailed Planting Proposals, Sheet 4 of 14 2887-LLA-0204 rev. P03
- Detailed Planting Proposals, Sheet 5 of 14 2887-LLA-0205 rev. P03
- Detailed Planting Proposals, Sheet 6 of 14 2887-LLA-0206 rev. P03
- Detailed Planting Proposals, Sheet 7 of 14 2887-LLA-0207 rev. P03
- Detailed Planting Proposals, Sheet 8 of 14 2887-LLA-0208 rev. P03
- Detailed Planting Proposals, Sheet 9 of 14 2887-LLA-0209 rev. P03
- Detailed Planting Proposals, Sheet 10 of 14 2887-LLA-0210 rev. P03
- Detailed Planting Proposals, Sheet 11 of 14 2887-LLA-0211 rev. P03
- Detailed Planting Proposals, Sheet 12 of 14 2887-LLA-0212 rev. P03
- Detailed Planting Proposals, Sheet 13 of 14 2887-LLA-0213 rev. P03
- Detailed Planting Proposals, Sheet 14 of 14 2887-LLA-0214 rev. P03
- Landscape Specification and Details 2887-LLA-0301 rev. P02
- Office, Plans and Elevations 25-0115-020
- 1 Bedroom Bungalow, Plans and Elevations 25-0115-021 rev. A

- Detached 2 Bedroom Bungalow, Plans and Elevations 25-0115-022
- Semi-detached 2 Bedroom Bungalow, Plans and Elevations 25-0115-023
- Bedford House Type, Corner-turner Semi Floor Plans 25-0115-024
- Bedford House Type, Corner-turner Semi Elevations 25-0115-025
- Bedford House Type, Semi Floor Plans 25-0115-026
- Bedford House Type, Semi Elevations 25-0115-027
- Bedford House Type, Terrace Plans 25-0115-028
- Bedford House Type, Terrace Elevations 25-0115-029
- Hertford House Type, Corner-turner Floor Plans 25-0115-030
- Hertford House Type, Corner-turner Elevations 25-0115-031
- Hertford House Type, Semi Floor Plans 25-0115-032
- Hertford House Type, Semi Elevations 25-0115-033
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- Maidstone House Type, Semi Floor Plans 25-0115-040
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- Maidstone House Type, Semi Elevations Render Finish 25-0115-043
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- Frogmore House Type, Semi Floor Plans 25-0115-051
- Frogmore House Type, Semi Elevations Weatherboarding 25-0115-052
- Frogmore House Type, Semi Elevations 25-0115-053
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- Woburn House Type, Semi Floor Plans 25-0115-060
- Woburn House Type, Semi Elevations Tudor Boarding 25-0115-061
- Woburn House Type, Semi Elevations 25-0115-062
- Woburn House Type, Semi Elevations Weatherboarding 25-0115-063
- Woburn House Type, Semi Elevations 25-0115-064
- Woburn House Type, Terrace Floor Plans 25-0115-065
- Woburn House Type, Terrace Elevations 25-0115-066
- Shed, Plan and Elevations 25-0115-070
- Maidstone – Maisonette, Floor Plans 25-0115-080
- Maidstone – Maisonette, Elevations 25-0115-081
- Street Scenes A, B & C 25-0115-010 rev. A
- Oakham House Type - Floor Plans 25-0115-090
- Oakham House Type – Semi Gabled Elevation 25-0115-091
- Oakham House Type - Semi Elevations 0115-092
- Oakham House Type - Terrace Floor Plans 25-0115-093
- Oakham House Type - Terrace Elevations 25-0115-094

## **2 Finished Site Levels**

No development shall commence until details of existing and finished site levels and finished external surface levels, the levels of the surrounding area and adjoining buildings where applicable and the finished floor level of the building(s) hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**3 Children's Playspace**

Prior to the commencement of any above-ground development hereby permitted, details of the layout, surfacing, play equipment and any boundary treatments for the Local Equipped Area of Play (LEAP) and Local Area of Play (LAP) shall be submitted to, and approved in writing by, the Local Planning Authority. The LEAP and LAP shall be implemented prior to the completion of 50 per cent of the dwellings hereby approved, in accordance with the approved details and shall be retained and maintained at all times thereafter.

**4 Buffer Strip**

Prior to the commencement of any above-ground development hereby permitted, a scheme for the maintenance, security and pest management of the 5m landscaped buffer strip on the western boundary shown on hereby approved plan 'Proposed Site Plan 25-0115-002 Rev C' shall be submitted to, and approved in writing by, the Local Planning Authority. All measures of the scheme within the approved details shall be implemented prior to the occupation of the first approved dwelling which fronts onto the buffer space.

**5 Retention and protection of existing hedges / shrubs**

No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

**6 Lighting Scheme**

Notwithstanding any details forming the documents submitted as part of the application to which this permission relates, prior to the commencement of any above ground development, a Lighting Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Lighting Scheme shall include the following details:

- a. hours of use of external lighting and internal lighting that would be visible externally;
- b. the exact location and specification of any external lighting;
- c. a lux contour plan which also includes the impact of internal lighting;
- d. the specification including height for any fixed or mobile external lighting structures;
- e. the intensity of the lights to be installed together with a lux contour plan, which shall be compliant with Bats and artificial lighting in the UK by Bat Conservation Trust (BCT) and Institute of Lighting Professionals (ILP) / BCT (2023). Such measures to include luminaires of external lights to have colour temperature less than 2700K, with peak wavelengths greater than 550nm, or other suitable alternatives;

- f. the identification of areas to be illuminated and any measures to minimise light spilling on to areas outside the application site to which this permission relates;
- g. measures such as shrouding to minimise disturbance through glare;
- h. measures to minimise disturbance to bats from lighting;
- i. details about any translucent parts of the buildings' external fabric or cladding, including the degree of transparency of materials, and any measures to minimise light spillage;
- j. a timetable for the installation of the lighting across the application site; and
- k. details for ongoing maintenance of such lighting.

The development shall be implemented in accordance with the approved Lighting Scheme, which shall be implemented prior to the first occupation of any residential dwelling hereby permitted. The onsite lighting shall thereafter be retained and maintained in accordance with the approved Lighting Scheme. No lighting shall be installed on any part of the application site to which this permission relates unless it accords with the approved Lighting Scheme.

## **7 Security Management Plan**

Prior to the commencement of any above-ground development hereby permitted, a Security Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include:

- Details of how proposed dwellings will be made secure both in design and materials.
- Mitigation measures to discourage crime and antisocial behaviour related to electric vehicle charging points.
- Security measures, landscaping considerations and management procedures required to ensure safe use for all users of the areas of public open space and children's playspace.

All measures of the approved Security Management Plan shall be implemented prior to the first occupation of the approved dwelling or area of open space which they serve, and the Security Management Plan shall remain in force at all times thereafter.

## **8 Waste Management**

Prior to the first occupation of any residential dwellings hereby approved, detailed plans including, size, location, design and materials of bin and recycling stores to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved bin and recycling stores shall be provided prior to the first occupation of any of the dwelling[s] which they serve.

## **9 External Materials**

Prior to the commencement of any development above ground level, an updated materials plan and samples of all external facing materials to be used, including glazing (no glazing sample required), shall be submitted to, and approved in writing by, the Local Planning Authority. The hereby approved works must then be carried out strictly in accordance with the approved details.

## **10 Beech Drive Signage**

Prior to the first occupation of any residential unit hereby permitted, a scheme of signage and wayfinding for the proposed access onto Beech Drive shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall ensure that pedestrians can safely use the connection and that no

danger is posed by vehicles. The scheme shall be implemented upon the creation of the pedestrian connection onto Beech Drive and retained thereafter.

**11 Noise Mitigation Measures**

All recommendations outlined in the Noise Assessment '2502830-ACE-XX-XX-RP-C-0601' shall be implemented and shall be completed before the first use of the relevant dwelling hereby approved and shall be thereafter maintained, unless otherwise agreed in writing by the LPA.

**12 Removal of Permitted Development Rights**

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

**13 Electric Vehicle Charging Points**

The Electric Vehicle charging points shown on hereby approved plan 'Proposed Car Parking Plan 25-0115-007 Rev A' shall be implemented in accordance with the approved details upon the development of the relevant parking space and made available for use prior to the first occupation or use of that residential unit or stretch of public road to which a visitor space is associated. They shall be kept available for those purposes at all times.

**14 Boundary Treatments**

The boundary treatments for the development hereby permitted shall be carried out in accordance with the details and with materials as shown on the hereby approved 'Proposed Boundary Treatment plan 25-0115-006 Rev A' prior to the occupation of the hereby approved dwelling which they adjoin.

There being no other items of business the Chairperson closed the meeting at 9.07 pm.

M E THOMPSON  
CHAIRPERSON



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

to  
**DISTRICT PLANNING COMMITTEE**  
25 June 2026

<b>Application Number</b>	<b>25/01057/OUTM</b>
<b>Location</b>	Land Opposite Prentice Hall Farm Prentice Hall Lane Tollesbury Essex
<b>Proposal</b>	Outline Planning permission with access for consideration for a residential development of up to 200 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.
<b>Applicant</b>	Obsidian Strategic Asset Management
<b>Agent</b>	Planning Potential Ltd.
<b>Target Decision Date</b>	3 March 2026
<b>Case Officer</b>	Gareth Ball
<b>Parish</b>	Tolleshunt D'Arcy
<b>Reason for Referral to the Committee / Council</b>	<ul style="list-style-type: none"> <li>Departure – Site outside of the settlement boundary.</li> </ul>

## 1. **RECOMMENDATION**

### Recommendation A:

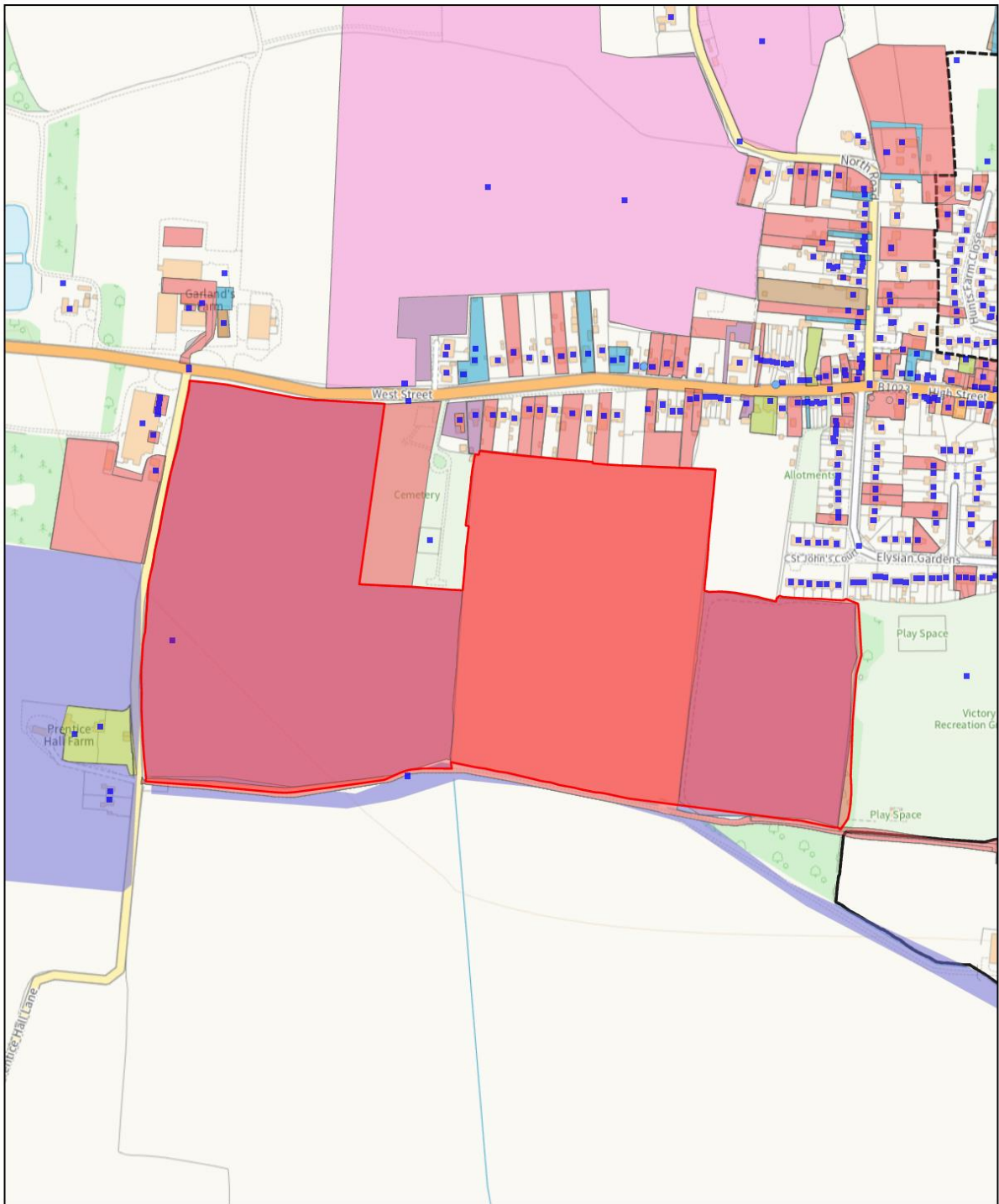
**APPROVE** and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8 and finalisation of the planning conditions as set out in Section 8.

### Recommendation B:

If the Section 106 legal agreement is not completed within 6 months of the date of this District Planning Committee (or a longer timeframe if agreed by the Director of Place, Planning & Growth) then **REFUSE** the planning application under delegated powers, subject to the referral of the case to the Secretary of State for a period of at least 21 days, who may opt to call-in the decision as per the Town and Country Planning (Consultation) (England) Direction 2026.

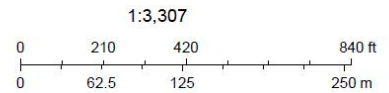
2. **SITE MAP**

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- |                   |     |                |
|-------------------|-----|----------------|
| DC Case Points    | GLB | S106           |
| ● F               | WDN | ATP            |
| ■ GMS BLPU Points | ANC | Other          |
| DC Case Polygons  | NPA | Parish Polygon |
| APPROV            | PCO | Ward Polygon   |
| REF               |     |                |



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### **SUMMARY**

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

##### The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is an 18.06ha area of land located on the western side of Tollesbury, bounded by Prentice Hall Lane to the west, West Street to the North and open countryside to the south. The Tollesbury Recreation Ground is directly to the east and there is a cemetery within the northern area of the Site, which it wraps around.
- 3.1.2 The Site is outside the settlement boundary, comprising three fields within the open countryside and is currently in use as agricultural use.
- 3.1.3 There is a Public Right of Way (PRoW) Footpath 8 running along the southern boundary of the Site and up northwards through the eastern portion of the Site, connecting to Elysian Gardens / St John’s Court.
- 3.1.4 Nearby heritage assets include:
- Tollesbury Conservation Area is located c. 50m to the northeast of the Site boundary.
  - Prentice Hall Farmhouse (grade II listed) is located to the west of the Site boundary, on the opposite side of Prentice Hall Lane
- 3.1.5 The Site is located in Flood Zone 1, which has the lowest flood risk of the zones. There are no trees with a Tree Preservation Order (TPO) on or adjacent to the Site. The Site is c. 1.2km from the Blackwater Estuary RAMSAR, Special Protections Area (SPA), Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) areas. The Site is wholly located within a sand and gravel Mineral Safeguarding Area (MSA).

##### Call For Sites

- 3.1.6 The Site was considered in the Council’s ‘Call For Sites’ (CFS) process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment. The Site’s reference is TOL11. The review concluded that the Site would be sustainable for up to 200 dwellings, stating:

*“On balance it is considered that development of the site would be suitable. It can afford a safe pavement access to services and facilities of which the settlement has a number of and would not impact on the wider landscape and townscape.”*

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

##### Application-specific Site History

- 3.1.8 An application (ref 23/00548/OUTM) seeking outline planning permission for up to 200 dwellings was submitted on 2 June 2023 and withdrawn on 12 March 2024.
- 3.1.9 An Environmental Impact Assessment (EIA) screening opinion request was submitted for the above application in which the Local Planning Authority (LPA)

confirmed that the proposal was not EIA development and an Environmental Statement is not required.

### The proposed development

3.1.10 The submitted planning application seeks:

*“Outline Planning permission with access for consideration for a residential development of up to 200 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.”*

3.1.11 The application is made in outline, with the following matters reserved and therefore not for consideration within the current submission:

- Access
- Landscaping
- Layout
- Scale

3.1.12 One point of access is proposed, taken off West Street in the northwest of the Site. A two-way road would then provide vehicle and pedestrian access into the Site. Pedestrian connections are proposed in the northeast, onto Elysian Gardens/St Johns Close, and at five points onto PRow 8 which runs across the south of the Site.

3.1.13 The proposal would provide 40 per cent affordable housing, which is split into a tenure mix of 80 per cent affordable rent and 20 per cent intermediate product (such as shared ownership).

3.1.14 The proposed dwellings would be largely located in the eastern half of the Site, with a collection of dwellings proposed to be adjacent to the Site entrance, just off West Street. While the layout is in outline form, the general layout is defined by a Land Use Parameter Plan.

3.1.15 The western half of the Site is largely proposed as open space (the Site proposes 9.85ha of green space overall), with an open field for ecology and amenity uses fronting onto Prentice Hall Lane and a collection of drainage attenuation basins, allotments and an informal play area within the centre. A green corridor would run generally east-west through the eastern residential area, providing a three areas for children’s play and a central green to be used as public open space. A further area of play is proposed within the very centre of the Site. Allotments are proposed in the central southern area of the Site.

## **3.2 Conclusion**

3.2.1 The application seeks outline planning permission for up to 200 homes. The site is located in the countryside, beyond the settlement boundary of Tollesbury. It is therefore contrary to the spatial strategy of the Local Plan. The Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS). As such, the policies most important to the determination of the housing must be considered to be out of date and National Planning Policy Framework (NPPF) Paragraph 11 directs the decision maker to grant permission unless the adverse outcomes of doing so would significantly and demonstrably outweigh the benefits. Further, the NPPF dictates that

3.2.2 The mix of housing will be secured to be in accordance with the unit sizes of the Local Housing Needs Assessment (LHNA) and the proposal is policy-compliant in

relation to affordable housing. This would be a significant social benefit through the provision of much-needed housing. The applicant suggests it is likely that a number of homes could be brought forward within the next five-year period, thereby contributing to the Council being able to evidence a 5YHLS.

- 3.2.3 The amended location of the vehicle access off West Street has addressed the previous highways objection of the Withdrawn Application ref 23/00548/OUTM. The general site layout, building heights and density (all to be secured at a high level in accordance with the submitted parameter plans) are acceptable in terms of the design of the Site itself; however, it would result in substantial development of a greenfield site in the open countryside, resulting in 'major/moderate adverse' landscape effect and a level of up to 'major/moderate adverse' visual impact. The current proposal is markedly improved in this aspect since the Withdrawn Application, noting the large green buffer in the western part of the Site (which is more prominent and less visually contained); however, this still results in a harm arising from the proposal. In addition, officers have found the proposal to result in a very low level of less than substantial harm to the grade II listed Prentice Hall Farmhouse, located to the west of the Site.
- 3.2.4 If members are minded to grant outline permission, reserved matters stage would consider the detailed design of the development, including design quality, parking, standard of accommodation and private external amenity space. The submitted parameter plans secure five areas of children's play in addition to the open green space in the west of the Site, which would provide sufficient open space for residents, which could also be used by offsite members of the public. The proposal would provide sufficient onsite measures to mitigate any impact on the Blackwater Estuary and any other ecological protected sites. The submitted Mineral Resource Assessment demonstrates that there would not be any unacceptable sterilisation of mineral resources.
- 3.2.5 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 significantly and demonstrably outweigh the benefits of the provision of 200 homes towards the Council's inadequate 5YHLS taken cumulatively with the other benefits. Therefore, officers recommend that approval is granted in accordance with the 'tilted balance' in the NPPF, subject to the conditions and planning obligations recommended in this committee report.

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

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

4.1.1 The development plan has been considered on the whole and the main relevant policies are listed below:

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

- Chapter 2 Achieving sustainable development
- Chapter 3 Plan-making
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres

- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment
- Chapter 17 Facilitating the sustainable use of minerals

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for ‘Specialist’ Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### **4.4 Essex Minerals Local Plan (2014):**

- S4 Reducing the use of mineral resources
- S8 Safeguarding mineral resources and mineral reserves

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

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

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

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £169.45 per dwelling (£33,890 total)
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Habitat Management and Monitoring Plan (HMMP)
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

### **5. MAIN CONSIDERATIONS**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

#### **5.2 Principle of Development**

##### Proposed Land Use

5.2.1 While the Local Plan does support growth and housing provision, it is directed to areas per the settlement hierarchy in Local Plan Policy S8. Tollesbury is defined as a 'larger village' which is the second tier of the hierarchy. The Site lies outside of any defined settlement boundary and is not within an allocated housing site within the Local Plan. The Site falls within the open countryside. The location is therefore

contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.

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

- 5.2.2 Paragraph 79 of the NPPF requires the Council as the LPA for the Maldon District to “*monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies*”.
- 5.2.3 NPPF Paragraph 78 requires “*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*”. The Council therefore prepares and publishes a Five-Year Housing Land Availability Report, annually.
- 5.2.4 The previous application which was withdrawn (the “Withdrawn Application” ref 23/00548/OUTM) was withdrawn when the Council was able to demonstrate a 5YHLS and the presumption in favour of sustainable development under Paragraph 11(d) of the NPPF was therefore not engaged. Following changes to the calculation of housing supply in the NPPF, Maldon District Council, it was established in a report to Council on 12 February 2026 that the 5YHLS stands at 4.1 years. As such, it is recognised that the Council cannot demonstrate a 5YHLS.

#### Presumption in Favour of Sustainable Development

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

- 5.2.8 The housing-related policies in the Local Plan must therefore be considered out-of-date and the application must be determined under sub-paragraph (d), rather than (c) which relates to up-to-date plans. This will be undertaken within the Planning Balance and Conclusion section of this committee report, taking into account all material considerations assessed throughout.

#### Loss of Agricultural Land

- 5.2.9 Local Plan Policy D2(11) states that “*development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land*”.
- 5.2.10 Natural England’s (NE) Provisional Agricultural Land Classification (ALC) places the Site within an area of grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the Best and Most Versatile (BMV) category. NPPF Paragraph 187 (b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.2.11 The agricultural land consultation of NE is triggered by the loss of more than 20ha of Best and Most Versatile land, which the application does not propose. Officers do however note there is a loss but take the same stance as the inspector within appeal decision 24/01004/OUTM. While the Site is within an area which may contain some grade 3a land, officers note the relatively small amount of land being lost within the proposal when the total supply within the District is taken into account. The loss will be considered within the planning balance. Objections raise the issue of a residential unit which was tied to agricultural use being severed from the land – given that officers have found it acceptable for the proposal to be brought forward, there is suitable justification for that dwelling to no longer be required to be tied to the agricultural use and land given the change in circumstances.

### **5.3 Affordable Housing**

- 5.3.1 The application proposes more than ten new dwellings and is therefore required to provide affordable housing, per Local Plan Policy H1. The Site is located within the ‘Northern Rural’ area defined in Figure 7 of Policy H1, which requires 40 per cent of all proposed dwellings to be affordable. The application complies with this requirement, which officers recommend securing through an Affordable Housing Scheme planning obligation within a Section 106 agreement bound to the permission.
- 5.3.2 The application does not detail the mix of affordable housing. Officers recommend also securing this via planning obligation to ensure compliance with Policy H1 and the recent LHNA as follows:
- Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- 5.3.3 Details of affordable housing location within the scheme would be assessed at reserved matters stage.

- 5.3.4 Subject to the above planning obligations, the proposed affordable housing would be policy compliant provision, in compliance with Local Plan Policy H1.

#### **5.4 Unit Size Mix**

##### Policy Position

- 5.4.1 The matters of layout and scale are reserved. The current application therefore does not propose a unit size mix distribution, which would be considered at reserved matters stage.
- 5.4.2 Officers recommend imposing a condition which requires compliance with the most up-to-date LHNA, to secure a size mix which creates a mixed and balanced community, and is appropriate to the needs of the District. Subject to this condition, the proposal complies with the relevant parts of Local Plan Policy H2.

#### **5.5 Quality of Proposed Accommodation**

- 5.5.1 Matters relating to the internal size of dwellings, provision of private external amenity space, acceptable natural light etc are not a material consideration in this outline application, as layout is reserved. The proposal seeks 'up to' 200 dwellings, which allows for flexibility to ensure that proposed dwellings are of an acceptable standard, including the requirements of the MDDG. Officers do not consider it necessary to apply conditions requiring compliance with garden sizes as this will be assessed at reserved matters stage and the LPA will have the opportunity to apply further conditions at that stage if necessary.

##### Noise and Disturbance

- 5.5.2 The application was supported by a Noise Screening Report, dated November 2025, which was reviewed by the Council's environmental health team. The report identifies road traffic noise from West Street (B1023) and Prentice Hall Lane as the primary noise sources affecting the site. Agricultural activity and recreational land uses in the vicinity are identified as intermittent and consistent with the existing character of the area. There are no areas which experience Unacceptable Adverse Effect Levels (UAEL) – the Council's environmental health team therefore pose no objection, advising that noise impacts are capable of being satisfactorily mitigated and controlled through detailed design at reserved matters stage. Officers recommend a condition securing an Acoustic Design Statement to ensure that sufficient mitigation is implemented.

##### Restrictions to Permitted Development

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

## Summary of Proposed Accommodation Quality

- 5.5.4 The quality of accommodation will predominantly be assessed at reserved matters stage. At this stage, the design is in accordance with Local Plan Policy D1 in this regard.

### **5.6 Landscape and Visual Impact**

#### Policy Position

- 5.6.1 Local Plan Policy S1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements.*
- 5.6.2 The site does not fall within any formal landscape designation.
- 5.6.3 The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (LCA) document shows the Site to be within Landscape Area 'E1 Tolleshunt Coastal Farmland', the key landscape characteristics of which are:
- Absence of woodland.
  - Semi regular pattern of tall hedgerows, small copses and shelterbelts, although many hedgerows removed.
  - Gently undulating arable farmland behind the coastal marshland.
  - Small-scale settlements situated in close proximity.
- 5.6.4 The LCA notes within the 'visual characteristics' of the E1 area are:
- Panoramic views across coastal farmland to the Blackwater Estuary and the Tollesbury Wick
  - marshes as well as to the wooded farmland to the north and west.
  - Views to Bradwell Power Station.
  - Open landscape of flat to slightly undulating arable fields.
  - Sail lofts local landmarks at marina outside Tollesbury.
- 5.6.5 The LCA assesses E1 as having a 'moderate to high' sensitivity to change. The Site is also near LCA Landscape Areas D2 (Maldon Drained Estuarine Marsh) and C2 (the Blackwater Estuarine Marsh/Mudflats) which are also considered for longer view impacts.

#### Landscape and Visual Impact Assessment

- 5.6.6 The application is supported by a Landscape and Visual Impact Assessment (LVIA), produced by aspect landscape planning. The LVIA has been independently reviewed by Nigel Cowlin Ltd on behalf of the Council. Nigel Cowlin has provided a written assessment of the methodology and conclusions of the LVIA. Officers have considered the LVIA and the review, supporting the review's findings, which are contained within the assessment in this committee report.
- 5.6.7 As this is an outline application with only access for consideration, the submitted parameter plans and illustrative layout and landscape strategy are indicative only. The LVIA and its review have therefore been undertaken on the basis that any future development would broadly follow the form shown, with built development focused

mainly within the central and eastern parts of the site, a limited cluster near West Street and the cemetery, and the western field otherwise remaining largely undeveloped apart from the access road.

Methodology and Baseline Assessment

5.6.8 The review advises that the submitted LVIA follows a well developed methodology that has been shaped by industry standard guidelines, and in general it uses language and effect assessment gradings that should be effective in communicating the issues.

The review does however note that “*a few specific aspects of the TG LVIA methodology application are a little problematic, and this will be highlighted at relevant points in my evidence*”. This is addressed within officers’ assessment of the LVIA where relevant.

5.6.9 In terms of a baseline assessment, the LVIA review notes that the Site is made up of three fields which are all relatively flat and largely sit atop the down slope towards the Blackwater Estuary. The fields are also:

- West field – adjacent to Prentice Hall Lane, south of West Street, the cemetery and Footpath 8 to the south. This field is more exposed and has no connection with the settled form of Tollesbury.
- Central field – the north largely sits behind houses fronting onto the south of West Street, then extends south to Footpath 8. Less contained to the south but has some connection with the settled form of Tollesbury.
- East field – south of St John’s Court, west of the Victory Recreation Ground. Footpath 9 runs through the middle of this field northwards. Relevantly well contained by vegetation to the south and alongside the recreation ground to the east.

Landscape Effects

5.6.10 In relation to landscape value, the submitted LVIA attributes a ‘high to medium’ landscape value for LCA E1 and ‘high’ landscape value for LCA D2 and LCA C2

5.6.11 The level of **landscape susceptibility** is agreed as ‘medium’, given that the massing of the development would be concentrated in the central and eastern fields, which are better related to the built form of Tollesbury and benefit from the greater degree of existing tree screening adjacent to the southeast.

5.6.12 The level of ‘high to medium’ **landscape sensitivity** for the Site and its immediate context is agreed.

Visual Effects

5.6.13 Section 10 of the submitted LVIA addresses the visual effects of the proposal. The selected viewpoints and visual receptors are considered acceptable. The independent review has assessed the effects, which officers are in agreement with. The effects are listed below:

<b>View Location</b>	<b>Identified Effects</b>
Road users along West Street	‘moderate adverse’
Road users along Prentice Hall Lane	‘minor adverse’
People walking Footpath 8	‘major/moderate adverse’
People walking Footpath 3 & 4 –	‘minor adverse’
People using Bridleway 20	‘minor/negligible adverse’

<b>View Location</b>	<b>Identified Effects</b>
Road users along West Street	'moderate adverse'
Road users along Prentice Hall Lane	'minor adverse'
People walking Footpath 25 (King Charles III England Coastal Path and Long Distance National Trail)	'moderate adverse'
People walking Footpath 21 (Thistly Lane)	'minor/negligible adverse'
People visiting the Victory recreation ground	'minor/negligible adverse'
People visiting Tollesbury cemetery	'moderate/minor adverse'

Table 1 - LVIA Review Visual Effects Summary

5.6.14 The LVIA review identifies the main impacts to be to Footpath 8 users, road users along West Street and Footpath 25 users. There is a lesser 'moder/minor adverse' effect on people visiting Tollesbury Cemetery. There are other visual effects as listed in the table above, but these all fall within 'minor adverse' or lower level of effect. The effects would materially alter the rural approach to Tollesbury along West Street, result in increased spread of Tollesbury and impact on the visual experience of people using the two PROWs and cemetery.

#### Landscape Proposals and Mitigation

5.6.15 The LVIA provides an assessment of how the magnitude of landscape and visual effects might reduce with successful establishment of mitigating landscape planting, particularly along the setback edge of the development in the south, within the Site. Officers (in agreement with the LVIA review) do not accept that landscaping can mitigate the magnitude of landscape effect from 'major/moderate' level of effect to 'moderate'.

#### Cumulative Effects

5.6.16 The submitted LVIA (and the independent review) note potential cumulative effects in combination with the live application for the development of 159 dwellings to the north of West Street (25/00381/OUTM). There would be an in-combination impact on the openness of the western approach to Tollesbury if both developments were to be implemented. While both application sites push the majority of the development away from the road, establishing two estate road junctions onto West Street which would urbanise the rural feel of the location. While the LVIA review advises that this should be considered, officers note that the application 25/00381/OUTM does not have a determination to grant and therefore give limited weight to this cumulative impact in current considerations.

#### Conclusion

5.6.17 The proposal would result in:

- 'major/moderate adverse' landscape effect to the site and its immediate context / local landscape setting.
- a multitude of adverse visual impacts ranging from 'minor/negligible' to 'major/moderate' adverse.

5.6.18 As advised in the LVIA review, the landscape impact is a relatively serious level of adverse landscape effect and it represents that the proposed development would

cause a notable change and degradation to the character and appearance of the local area. Officers note that the more serious effects are relatively localised, are adjacent to the built-up village of Tollesbury (rather than being completely isolated within the open countryside) and do not result in any coalescence of urban areas or impact on designated landscapes.

- 5.6.19 In response, the applicant submitted a rebuttal document intended for officers' review. The document sets out the applicant's views that they broadly agree with the LVIA Review; however, states that the proposed landscaping would have a far larger effect on filtering out and mitigating the impact in views than that which has been concluded in the LVIA review. The document also reminds that there is no formal landscape designation and that the landscape harm would be outweighed in the planning balance by the benefits of the application.
- 5.6.20 The proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and H4 and the NPPF. This harm will be weighed in the Planning Balance and Conclusion section of this committee report.

## **5.7 Layout and Design**

- 5.7.1 Appearance, Layout and Scale are reserved matters, therefore not for consideration in this application. If outline permission is granted, the decision would be subject to the details within reserved matters. The outline application does seek to set out some constraints which the reserved matters must comply with, through the submitted parameter plans.
- 5.7.2 The development proposes up to 200 houses on the Site. While only indicative, the submitted Design and Access Statement (DAS) contains a building density plan which shows three areas of density (25, 30 and 35 Dwellings Per Hectare) which would focus the denser areas of development within the centre of the Site along the main spine road, with density scaling down towards the southern boundary (and open countryside beyond) and the existing dwellings to the north, on West Street.
- 5.7.3 The Building Heights parameter plan shows that would restrict heights to a maximum of 2.5 storeys within the central areas of the Site, including flats, and multiple key corner plots (which are shown to be occupied by primary 'landmark' buildings within the illustrative layout), with a two-storey maximum height within the majority of the built area except a 1.5-storey height in the northwest area near the vehicle entrance to the Site. The scale is considered to be in line with the surrounding area.
- 5.7.4 The submitted DAS provides detailed information on the appearance of proposed dwellings, including rendered images and material palettes of buildings. The information is appreciated; however, is not for consideration in this application and will need to be submitted for determination at reserved matters stage. The applicant seeks to divide the Site into four separate character areas, which would assist in breaking up the design and creating visual interest within the Site.
- 5.7.5 The design approach is largely consistent with existing development in Tollesbury. While officers have identified harms in terms of landscape and visual impact, which includes impacting the layout of Tollesbury, the approach to the development within the Site itself is appropriate. In that regard, the design would comply with the relevant parts of Local Plan Policies D1 and H4.

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

- 5.8.1 Landscaping is a reserved matter and therefore cannot be considered in the current outline application. The submitted illustrative layout, in addition to the submitted parameter plans (which would secure reserved matters details to be submitted in accordance with the parameter plan layout) demonstrate that
- 5.8.2 The submitted Land Use parameter plan proposes indicative locations of:
- Locally Equipped Area for Play (LEAP)
  - Three Local Areas for Play (LAPs)
  - Informal play space – open green space
- 5.8.3 The scale of provision would be appropriate for a scheme of this size and the general (indicative) location of the play spaces are well-located, providing a centralized LEAP with access to all dwellings within the development and smaller areas spaced around the outer parts of the Site's residential areas to provide closer to home options for play. Officers also note the existing offsite play space to the east. Although the development would be not reliant on this, it does provide further options. Officers are satisfied that sufficient children's play space can be provided onsite and recommend a condition to secure details of play space layout, landscaping and play features at reserved matters stage.
- 5.8.4 Subject to the recommended conditions and the reserved matters detail to be submitted, officers are satisfied that the development can provide sufficient open space and landscaping of a high quality, in accordance with Local Plan Policies D1 and N3.

## **5.9 Impact on Heritage Assets and Archaeology**

### Policy Position

- 5.9.1 In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As this proposal would not entirely preserve the listed building's setting, there would be some conflict with this duty.
- 5.9.2 The NPPF provides the basis for assessing heritage impact on a planning application. NPPF Paragraphs 207-221 direct the consideration of heritage harm, which are not reproduced in this report but available within the NPPF.
- 5.9.3 While the application is made in outline, the parameter plans provide constraints which the scale and location of development would be located within. An assessment on heritage impact can be made on this basis.

### Identified Heritage Assets

- 5.9.4 The following heritage assets have been identified as potentially being impacted by the proposal:

#### Conservation Areas

- Tollesbury Conservation Area

#### Designated Heritage Assets

- Prentice Hall Farmhouse (grade II listed building)

#### Non-designated Heritage Assets

- None

#### Assessment – Tollesbury Conservation Area

- 5.9.5 The Tollesbury Conservation Area (CA) is located to the northeast of the Site, c. 50m from the nearest point. Views into or out of the CA would be constrained due to the narrow width of West Street and the tight grain of buildings on the southern side of that road.
- 5.9.6 The CA is located marginally to the north of the Site's central area and runs adjacent with the Site boundary in the east, on St John's Court.
- 5.9.7 The distance and the intervening buildings and vegetation are such that the proposal would not cause harm to the conservation area's setting or significance.

#### Assessment – Prentice Hall Farmhouse (grade II)

- 5.9.8 The Site falls within the extended setting of the grade II listed Prentice Hall Farmhouse, which sits to the southwest of the Site, on the opposite side of Prentice Hall Lane. It is an early 17th century timber-framed two-storey farmhouse, which was listed in 1978. Key features of architectural interest include the building's original timber-framed structure, original fireplaces, and the decoratively moulded base at the top of the stack.
- 5.9.9 Paragraph 208 of the NPPF requires that local planning authorities 'identify and assess the particular significance' of heritage assets affected by proposals. The Glossary to the NPPF defines significance as:
- "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic."*
- 5.9.10 The application has been assessed by the Council's conservation and heritage officer, whose comments are contained within this assessment.
- 5.9.11 The timber-framed structure of Prentice Hall has archaeological interest insofar as it retains evidence (in the form of redundant mortices etc) for the building's original design and subsequent evolution. The building's chief interest is architectural due to its age, the legibility of its historic planform, the survival of key architectural features such as original fireplaces, and as a good example of a typical 17th century farmhouse.
- 5.9.12 The Council's Conservation and Heritage officer notes that the building is no longer a working farmhouse but does retain some of its former buildings and has had little intervention in its historic features and setting. While the building itself faces east, historic mapping shows that it was the fields to the south and west which have a historical relation with the heritage asset, not the application Site.
- 5.9.13 While there is some intervening foliage (and noting that lack of a historic connection between the grade II listed building and the Site, officers note that the western part of the application Site does make a small contribution to the significance of the heritage asset's open verdant landscape setting. The proposal would impact on this setting through the introduction of urban features (such as the vehicle access) and housing. The proposal does however push the majority of built development towards the east, significantly distanced from Prentice Hall Farmhouse, which limits the impact. There

would be intervisibility and co-visibility, but the distance between buildings and low level of development in the western area of the Site limits the impact.

- 5.9.14 The conservation and heritage officer advises that the proposal would result in “a very low level of ‘less than substantial harm’ to the significance of Prentice Hall Farm”. Officers agree with this position.

Heritage Harm Assessment

- 5.9.15 Officers have identified the below levels of harm to relevant heritage assets. The development would not impact the setting or significance of any other designated or non-designated heritage assets.

Heritage Asset	Harm Identified
Tollesbury Conservation Area	None
Prentice Hall Farmhouse (grade II LB)	Very low less than substantial

Table 2 - Relevant Heritage Assets

- 5.9.16 This results in a cumulative level of a very low level of less than substantial harm to designated heritage assets. As heritage harm has been identified, the level of harm must be weighed against the public benefits of the proposal in accordance with Paragraph 215 of the NPPF. This assessment will be undertaken in the Planning Balance and Conclusion section of this committee report.

- 5.9.17 Officers have not identified any harm to non-designated heritage assets.

Archaeology

- 5.9.18 NPPF Footnote 75 advises that “*non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets*”.

- 5.9.19 The Council’s conservation and heritage officer has assessed the application and does not pose objection, advising that the Essex Historic Environment Record (EHER) shows that the proposed development is sited in an area known to have high archaeological potential, including a potential settlement enclosure of Roman date as well as potential iron age and medieval assets. Officers are broadly in agreement with the submitted archaeological desk-based assessment (DBA), considering there to be high potential for the Roman period given the cropmark evidence within the Site and excavated evidence in close vicinity.

- 5.9.20 Given the high potential for archaeological assets on the Site and the significance which they may have, officers advise in accordance with the conservation and heritage officer that a planning condition securing a phased programme of archaeological investigation be applied to the permission in order to ensure that assets are fully understood and protected. This would include trial trenching, use of archaeological professionals to undertake the evaluation (with further excavation/mitigation required if any archaeological deposits are found).

- 5.9.21 Subject to the condition, officers are satisfied that the proposal would not result in any harm to archaeological assets, in accordance with Local Plan Policy D3 and the NPPF.

**5.10 Impact on Amenity**

Impacts for Consideration

- 5.10.1 The basis of Policy D1 (4) of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.10.2 While the detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved, this outline application seeks approval for the scope of the development through the parameter plans. This includes the general location and maximum scale of buildings, and the location of the main access routes within the scheme. The visual impact is assessed in the Landscape and Visual Impact section of this committee report.

#### Daylight, Sunlight, Outlook and Privacy/Overlooking

- 5.10.3 Given the low level of detail which can be given full weight in considerations at outline stage, officers are considering daylight, sunlight, outlook and privacy together.
- 5.10.4 The Land Use Parameter Plan allows for residential use, including access routes and incidental open space, directly adjacent to the southern boundaries of properties on West Street, St John's Court and Elysian Gardens. The MDDG states that "*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*". The submitted illustrative masterplan (while illustrative only) demonstrates that the layout of the parameter plans can hypothetically contain residential development with an adequate window-to-window distance with existing buildings. The full details will be provided at reserved matters stage.
- 5.10.5 While it is noted that there would be a significant change to these properties in terms of their view, that is not a material planning consideration. Officers are also satisfied that the development can be brought forward without unacceptable impact on outlook.
- 5.10.6 The submitted Building Heights Parameter Plan proposes "dwellings up to two storeys" in all locations adjacent to existing offsite residential units with the exception of an area permitted for "up to 2.5 storeys" to act as a visual endpoint in the north of the north/south spine road. The scale of the proposed dwellings does not give way to immediate concerns of overlooking, noting that appropriate setback distances from existing properties can be achieved at reserved matters stage.

#### Noise

- 5.10.7 The proposed residential use is not a noise-generating use. Vehicle movements associated with occupiers of the development would enter the Site from West Street, distanced from existing properties and also separated from the cemetery by proposed green space. While the residential use of the area would be intensified, it would not give way to any unacceptable noise or disturbance at operational stage – officers acknowledge that there would be an impact on existing dwellings on the southern edge of Tollesbury and also people visiting the cemetery, but the proposed residential use is an acceptable neighbouring use to other residential development or cemeteries and would not be considered to result in an impact which is contrary to Local Plan Policy D1.
- 5.10.8 Noise at construction stage would be controlled through national working hours, the Construction Environmental Management Plan (CEMP) (recommended to be

secured by condition) and the Control of Pollution act. While there would certainly be a perceived impact on the surrounding area, it would be temporary and the majority of the works would be separated from existing residential development and the cemetery.

#### Smell and Pollution

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

#### Impact on Amenity Summary

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

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

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

- Construction Management Plan
- Implementation of access arrangements
- Bus stop improvements
- Public Right of Way No. 8 upgrades
- Updated Travel Plan
- Residential Travel Packs
- The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:
  - £10,000 contribution towards PRow No. 8 replacement
  - £600,000 contribution towards bus stop improvements

#### Highway Capacity

- 5.11.2 The Highway Authority have not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway or wider highway network is not expected to be significant and in no way severe.
- 5.11.3 There are multiple application sites of significant residential scale within Tollesbury that are currently under assessment:

Reference / Site	No.	Planning Stage
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	Dwellings	
25/00207/OUTM	Up to 26	Highways advise that a scheme of this size would not be assessed in relation to trip generation.
25/00381/OUTM	Up to 159	Undergoing assessment, no resolution to determine.
26/00066/OUTM	149	Undergoing assessment, no resolution to determine.
26/00161/OUTM	24	Highways advise that a scheme of this size would not be assessed in relation to trip generation.

Table 3 - Significant development sites in the local area

- 5.11.4 NPPF Paragraph 116 states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*”.
- 5.11.5 When assessing whether the cumulative impact of any other sites should be counted in addition to the surveyed baseline level of vehicle movements on the highway network, the decision maker must consider whether those sites can reasonably be considered to be brought forward and also apply weight according to how likely and advanced this is.
- 5.11.6 While committed development can be given full weight, and live applications which have a resolution to grant permission at planning committee can be given moderate weight, the other relevant developments are at live application stage with no committee resolution or even an officer recommendation. The sites do not benefit from a formal allocation within the adopted Local Plan. Officers therefore give very limited weight to the impact of offsite applications at the time of writing this committee report.
- 5.11.7 The Transport Assessment (TA) demonstrates that the development’s traffic generation would not have a significant or severe impact on the highway network, as concluded in review by the Highway Authority. The TA projects 112 two-way vehicle movements within both the AM and PM peak hours. While there would be additional trips, officers note that the vast majority would be driving westwards on West Street, away from areas with higher congestion. Officers are satisfied that the impact would not be significant enough to be detrimental to existing or future users, thereby complying with Local Plan Policies D1 and T2.

#### Access

- 5.11.8 The Withdrawn Application was withdrawn in part due to highways issues stemming from the two proposed access points of that development and the housing development to the north of West Street connecting to West Street at opposite points, albeit that other development was not supported. The current application has moved the main access eastwards on West Street. The Highway Authority (ECC Highways) advise that they have visited the site and assessed the information submitted by the applicant, concluding that in highway terms, the proposal is not contrary to national or local highway/transportation policy, nor current safety criteria. The access would have sufficient visibility splays and would allow for two-way traffic movements of larger vehicles and emergency vehicles, as demonstrated through the TA’s swept path analysis.

5.11.9 Public Right of Way (PRoW) Tollesbury 7 runs along the southern boundary and within the eastern part of the Site, connecting Prentice Hall Lane with St John's Close. The development proposes five new pedestrian/cycle access points onto the PRoW, which would improve the access to the footpath. The development is required to make a £10,000 contribution for the replacement of a footbridge in the southeast part of the Site. Subject to this and the approved plans, the proposal would have an acceptable impact on the PRoW. Officers recommend a condition to require provisions that the footpath remains open and accessible at all times throughout the construction period.

#### Parking

5.11.10 Layout is a reserved matter. Details of vehicle and cycle parking provision are therefore not a consideration within this assessment and will be provided at reserved matters stage. The provision will need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the Vehicle Parking Standards SPD requirements.

#### Sustainable Transport and Accessibility

5.11.11 The application is supported by a Framework Travel Plan (FTP). The Highways Authority have reviewed the FTP noted that additional information was submitted in terms of improving accessibility to other modes of sustainable travel with pedestrian crossing points, cycle access, passenger transport improvements as discussed elsewhere in this committee report. The Highways Authority are satisfied that the development (subject to a detailed Travel Plan at reserved matters stage) would suitably discourage private motor vehicle trips.

5.11.12 The Site does lie outside of the defined settlement hierarchy, with the Tollesbury settlement boundary terminating directly to the north of the Site. Officers note the status of the Site within the Council's CFS was considered sustainable and appropriate for up to 200 dwellings; however, this is a high-level assessment and is not an allocation of the Site – officers therefore give this limited weight in considerations.

5.11.13 Tollesbury is categorised as a 'larger village' in the Local Plan settlement hierarchy, which is the second highest tier of settlement size. Policy S8 notes that larger villages are "*defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport*".

5.11.14 Through the Access and Movement Parameter Plan, the scheme propose s pedestrian/cycle access connection points onto West Street in the northwest, St John's Court / Elysian Gardens in the northeast of the development and five points to the south, onto PRoW Footpath 8. While the upper northern section of the development would not have a direct access onto West Street, the Site is able to be made relatively permeable. This results in the following walkable distances from the northeast point of access on the Site (not utilising PRoW Footpath 8, given that it is unlit, or noting the main vehicle access as this increases the internal walk distance):

- Tollesbury Primary School c. 570m walk
- Nearest bus stop c. 230m walk
- Small retail unit c. 400m walk
- Tollesbury Pharmacy c. 520m walk
- King's Head Pub c. 350m walk

- 6.4ha Suitable Alternative Natural Greenspace (SANG) area within the west of the Site
- Tollesbury Recreation Ground directly east of the Site

5.11.15 Taking the above facilities into account, officers consider the Site to be in a sustainable location with sufficient access to local facilities. There would be a primary school, shop, pharmacy and some social facilities all within a c. 6-minute walk from the Site boundary, with potentially another maximum five minutes of walking time within the Site from the most distanced proposed units. The nearby bus stops on West Street provide the following services in both directions:

- 50 Colchester – Tollesbury
- 50A Colchester – Tollesbury
- 91 Tollesbury – Witham
- 92 Colchester – Tollesbury
- 95 Tollesbury – Maldon
- 95A Tollesbury – Plume School

5.11.16 Bus services generally run every 30 minutes, between 07:00 – 19:30 on weekdays, 07:30 – 18:45 on Saturdays and no services on Sundays. While the Site does have a dependable service on weekdays, it lacks bus services in the evening and on Sundays, which would necessitate other modes of travel for residents wishing to travel in those times. The additional stress on these services (through more persons needing to use the buses) would be mitigated through a £600,000 financial contribution towards service improvement, as requested by the Highways Authority.

5.11.17 Taking into account the local facilities and public transport options, and also noting other decisions and recent appeal decisions within the district, officers conclude that the Site would be in a sustainable location; however, there would be an element of reliance on private motor vehicle trips which the applicant cannot fully address.

#### Transport, Access and Highway Safety

5.11.18 While the development would require some reliance on private vehicles, officers are satisfied that the Site is in a sustainable location and would not unacceptably impact on the surrounding highways network. Subject to the conditions referred to, the development would have an acceptable impact in terms of transport, access and highway safety, in accordance with Local Plan Policies D1, T1, T2 and I1.

### **5.12 Ecology and Biodiversity**

#### Protected and Priority Species

5.12.1 The submitted Preliminary Ecological Appraisal (PEA) has identified that a Great Crest Newt has been recorded in a pond (which is proposed to be retained) onsite. The construction works taking place in close proximity to the pond have the potential to harm the European Protected Species and therefore a license must be obtained from NE demonstrating that suitable mitigation can allow for the works to proceed. The applicant has applied for a District Level License to NE and are awaiting their response. Officers are satisfied that this can be secured by planning condition, which has been the process previously in the District.

5.12.2 The Site has suitable foraging and commuting habitat for bats with good connectivity along the western and southern boundaries, which are locations where development is proposed. Officers recommend a condition to secure a lighting strategy which is

informed by best practice to ensure that existing dark corridors for light-sensitive species, in particular Barbastelle and Myotis sp., are maintained to allow for bat foraging and connectivity.

- 5.12.3 The Preliminary Ecological Appraisal (PEA) demonstrates that there is no evidence of badgers onsite; however, notes that there is onsite vegetation which limited the ability to make the assessment in areas and thereby recommended that an updated badger survey should be conducted prior to commencement – no more than three months before works commence on the Site.
- 5.12.4 The PEA estimates two pairs of skylarks with territories in the western field of the Site which would be lost due to the creation of a circular walking route. Alternative mitigation is required – this can be secured through a Skylark Mitigation Strategy condition placed on the permission.

#### Biodiversity Net Gain

- 5.12.5 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent Biodiversity Net Gain (BNG). The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
- 5.12.6 The application is supported by a BNG Assessment and Statutory Biodiversity Metric, both produced by Aspect Ecology, in addition to a response to consultee comments. The latter clarified that the onsite ditches were excluded from the BNG metric because they are dry for more than four months of the year. The application would achieve a 49.15 per cent onsite BNG, which is welcomed as a benefit of the proposal and would be secured through planning obligations and subject to ongoing management through recommended conditions.

#### Trees and Hedges

- 5.12.7 There are no onsite trees that are subject to a TPO or are protected by way of being inside a conservation area. There are no Veteran Trees or any Ancient Woodland onsite.
- 5.12.8 The proposal is supported by an Arboricultural Impact assessment (AIA), produced by Fabrik. The AIA has been reviewed by Place Services Arboricultural Team, who have no objection to the proposal.
- 5.12.9 The AIA identifies 99 onsite trees. The majority are proposed to be retained; however, the application proposes:
- Removal of Category C trees: T4, T60, T61, T62, T63, T64, G56 and G84.
  - Partial removal of Category C trees: G7, H83, G86, G42, G48 and H55
- 5.12.10 The trees are shown to be necessary to bring forward the development and would all be Category C, which is defined in national standard BS5837:2012 as 'low' quality and value, such as those with under 10 years of life expectancy or a stem diameter below 15cm. All Category A and B trees (defined as 'high' and 'moderate' quality) would be retained.

- 5.12.11 The loss of the Category C trees is acceptable given their lesser quality. Further, the development would mitigate this through the planting of new onsite trees, with the number to be determined at reserved matters stage but very likely to be significantly higher than the number of trees lost. Conditions are recommended to secure details of both tree and hedge/shrub retention and protection measures, to ensure that the existing higher quality trees are not damaged during the construction period.
- 5.12.12 Subject to the recommended conditions, officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N1.

#### European and Other Designated Sites

- 5.12.13 The Site falls within the recreational Zone of Influence (Zol) of the Blackwater Estuary RAMSAR, Special Protection Area (SPA) and Special Area of Conservation (SAC). The Blackwater Estuary is also subject to designations as a Special Site of Scientific Interest (SSSI) Risk Zone and Marine Conservation Zone (MCZ).
- 5.12.14 The LPA is therefore required to prepare a project level Habitats Regulations Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.12.15 NE has reviewed the submitted HRA which was produced by the applicant. Maldon District Council, as the competent authority, has reviewed this HRA and agrees with the findings, therefore adopting it within the assessment of this application.
- 5.12.16 To accord with NE requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

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

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

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 200 houses**

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

#### Summary of Appropriate Assessment

- 5.12.17 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures to mitigate any adverse effects on the protected sites through increased recreational use resulting from the proposed development.

This stance is supported by NE subject to the proposed mitigation. The proposed mitigation comprises:

- Provision of 3ha of SANG per 1000 new population
- A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectareage (note that Sustainable drainage systems (SuDS) can contribute to greenspace). These areas should have sufficient visual and noise screening.
- Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.
- 'Dogs-off-lead' areas; dog waste bins.
- Signage on-site and information leaflets to first occupiers to promote these areas for recreation.
- The long-term maintenance and management of these provisions secured in-perpetuity.
- Essex Coast RAMS financial contribution of £175.55 per dwelling (indexed) which amounts to a maximum sum of £35,110 if 200 dwellings are constructed.

5.12.18 The submitted 'Outline SANG Plan' proposes a 6.369ha, significantly exceeding the onsite requirement by providing sufficient mitigation SANG for 2,123 residents' use. The plan also demonstrates the feasibility of a 2.3km circular walking route, which utilises PRoW Footpath 8 to the south, as well as a 'dogs off leads' area. These and the other mitigation measures will be secured through recommended planning conditions and planning obligations within a Section 106 legal agreement.

5.12.19 Subject to the above measures and planning obligations, officers are satisfied that the proposal would not result in an adverse impact on any European or other protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1.

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

5.13.1 This outline application reserved the matter of layout and a drainage scheme therefore cannot be finalised at this stage as it will need to reflect the layout of buildings, streets and drainage basins within the full layout at reserved matters stage.

#### Tidal/Fluvial Flood Risk

5.13.2 The site is wholly located within Flood Zone 1, which has a less than 1 in 1000 annual probability of flooding from rivers or the sea sources. The proposed residential use is appropriate in this Flood Zone. There are no concerns relating to tidal or fluvial flood risk.

#### Surface Water Drainage

5.13.3 The Lead Local Flood Authority (LLFA), which is ECC, originally issued a holding objection, requiring the development to ensure that local approaches are adhered to in the event that there is a clash between national and local standards. Following the submission of further information taking into account higher levels, the LLFA issued supporting comments.

5.13.4 The submitted indicative drainage strategy proposes infiltration in suitable areas, including the use of porous surface materials, and a gravity pipe drainage system, discharging to attenuation basins in the southern area of the Site, with an attenuation basin and swale running along the western area on the edge of the proposed

western field open space. The design also proposes some discharge to an existing ditch on the southern boundary, in which the discharge rate was agreed by the LLFA.

5.13.5 Officers support the application in relation to flood risk and the indicative drainage strategy, subject to the following conditions recommended by the LLFA (which would secure final drainage details, based on a layout approved at reserved matters stage):

- Surface water drainage scheme, including infiltration testing, limitation to LLFA-agreed discharge rates for 1 in 100 year storm events plus 45 per cent for climate change and details of all storage features.
- Scheme of measures to minimise offsite flood risk during construction stage.
- Maintenance plan
- Maintaining annual logs of maintenance

5.13.6 Anglian Water have no comments on the disposal of surface water, as it does not involve any of their assets, and defer to the LLFA.

#### Foul Drainage

5.13.7 Anglian Water (AW) are the operator of the local sewerage system and have confirmed that they have no assets which may be impacted by the development. AW has also advised that there is sufficient capacity to accommodate the additional foul flows from the development, as well as Tollesbury Water Recycling Centre (WRC) having sufficient capacity to accommodate the additional recycling of wastewater flows from the proposal. Therefore, there are no concerns in relation to foul drainage.

5.13.8 AW have requested a set of information be placed on the planning permission, should members be minded to grant, informing the applicant of their duties under the Water Industry Act. These requirements sit outside planning regulations and are therefore included as informatives in Section 8 of this committee report.

#### Drainage and Flood Risk

5.13.9 Subject to the submission of acceptable reserved matters and details in relation to the conditions stated within this report section, officers are satisfied that the proposal would not have any unacceptable risk in relation to flooding or drainage, in accordance with Local Plan Policies D1 and D5.

### **5.14 Minerals and Waste**

#### Mineral Safeguarding

5.14.1 The Site is located within a 'sand and gravel' Mineral Safeguarding Area (MSA), which terminates roughly in line with the Site's southern boundary and extends to the north, east and west of the Site. The County Minerals and Waste Authority requested that a Mineral Resource Assessment (MRA) be submitted, which was done in May 2026. The MRA identifies onsite resources; however also highlights the operational and policy constraints in accessing the resources. Most crucially, the resources would need to be extracted below groundwater level, meaning pumping water from a quarry to local watercourses which has ecological and flooding impacts. The County have agreed that they do not consider mineral extraction feasible given the constraints. Officers therefore conclude that there would be no unacceptable sterilisation or other impact on mineral resources, in accordance with Policy S8 of the Essex Minerals Local Plan.

5.14.2 The submitted MRA proposes use of easily extracted sand and gravel during the construction process, which negates the need for importing aggregates from offsite. This is welcomed – officers recommend a condition be used to secure a Materials Management Plan (MMP) which would set out the commitment and process of incidental extraction.

#### Mineral Infrastructure

5.14.3 The Site does not fall within a Mineral Consultation Area (MCA) as defined in Minerals Local Plan Policy S8. A Mineral Infrastructure Impact Assessment is therefore not required.

#### Waste Infrastructure

5.14.4 The Site does not fall within a Waste Consultation Area (WCA) as defined in Waste Local Plan Policy 2 and is not at risk of impacting on the operation of any waste sites. A Waste Infrastructure Impact Assessment (WIIA) is therefore not required.

#### Site Waste Management

5.14.5 As requested by ECC Waste Management, officers recommend imposing a condition on the permission to secure the submission of a Site Waste Management Plan (SWMP) which will require the development to utilise the maximum possible recovery and recycling of minerals from the demolition and construction process to reduce the need for the extraction of new minerals, in line with Minerals Local Plan Policy S4.

#### Operational Waste Management

5.14.6 As layout is a reserved matter, no details of waste management have been submitted. Officers recommend a condition to secure a Waste Management Plan, with details of refuse/recycling containers, storage and any bin-drag distances to on-street collection. Reserved matters plans will also need to demonstrate that 26-ton waste collection vehicles can access all collection points, with appropriate turning points.

#### Minerals and Waste Summary

5.14.7 Taking the above assessment into account, officers are satisfied that the development would not have an unacceptable impact on any matters relating to minerals and waste, subject to the following conditions:

- Site Waste Management Plan (demolition and construction stage)
- Waste Management Plan (operational stage)

### **5.15 Education Infrastructure**

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

- Early years childcare financial contribution of £368,100, index linked to Q1 2025

- Primary education financial contribution of £1,227,000, index linked to Q1 2025
- Secondary school transport contribution of £237,880, index linked to Q2 2021
- Libraries financial contribution of £15,560, index linked to April 2020
- A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan

## **5.16 Public Safety and Human Health**

5.16.1 The Health and Safety Executive (HSE) has not commented on the application, as the Site is not within the consultation distance of a major hazard site or major hazard pipeline.

### Health Impact Assessment and Healthcare Infrastructure

5.16.2 Local Plan Policy I2 seeks to improve the District's health and wellbeing. The policy requires all residential development of 50 dwellings or more to undertake a Health Impact Assessment that measures wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.

5.16.3 The submitted HIA, produced by Icen, concluded that the development would have a positive health impact on all issues except 'access to education' and 'access to healthcare'. These impacts have been considered by ECC Education and the National Health Service, who are supportive of the application subject to the respective financial contributions. For Healthcare, this amounts to £150,500 towards the primary care network, which is identified to improve services to mitigate the number of new persons using them. This would be secured through a S106 legal agreement.

5.16.4 Officers consider some 'positive' potential health impacts that the HIA identified to potentially be 'uncertain' at this stage, given the outline nature of the application. This includes 'design of homes and housing', 'supporting communities' and 'environmental sustainability'. The positive intentions of the scheme are noted. Further consideration will be required at reserved matters stage, but officers have no reason to doubt that positive impacts can be achieved with mitigation.

5.16.5 Subject to further detail and the financial obligations identified, the proposal would have an acceptable impact on human health and wellbeing, in accordance with Local Plan Policies D1 and I2.

### Crime and Public Safety

5.16.6 The Health and Safety Executive (HSE) stated that the Site does not fall within a consultation distance of a major hazard site or major accident hazard pipeline and therefore falls outside of their consultation criteria.

5.16.7 The Site does not have any intrinsic safety or crime issues; however, new development will inevitably create areas of potential crime or antisocial behaviour and should be well designed to mitigate against this. If permission is granted, the subsequent reserved matters application will be required to demonstrate how the detailed design provides a safe place which minimises the risk of crime and fear of crime, in accordance with Local Plan Policy D9 and Paragraph 96b of the NPPF. An informative is recommended, advising the applicant to have regard to the comments

of the ECC Police Design out Crime team, who have provided advice on this application.

## **5.17 Air Quality**

- 5.17.1 The Institute for Air Quality Management (IAQM) guidelines indicate that this application needs to submit an Air Quality Assessment (AQA). The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone.
- 5.17.2 The application is supported by an AQA produced by Logika Group dated November 2025, which has been reviewed by the Council's environmental health team who support the application at outline stage, subject to conditions securing a CEMP and Construction Dust Management Plan, which will mitigate air quality impacts at the construction stage.
- 5.17.3 Subject to the recommended conditions, officers are satisfied that the application would have an acceptable impact on air quality, in accordance with Local Plan Policies D1, D2 and Paragraph 199 of the NPPF.

## **5.18 Land Contamination**

- 5.18.1 The application is supported by a Phase 1 Geo-Environmental Desk Study, dated November 2025, which has identified the potential for significant ground contamination to be of a 'moderate to low' level. The document and wider application has been assessed by the Council's environmental health team, who conclude that there would likely not be any significant issues in relation to land contamination. The environmental health team recommend conditions to secure a Phase 2 Land Contamination Investigation, with further conditions securing a Remediation Strategy to address any contamination if it is found, and the submission of a Verification Report to demonstrate that the contamination has been adequately remediated.
- 5.18.2 Subject to these conditions, officers are satisfied that the proposal is acceptable in terms of land contamination risk, in accordance with the relevant part of Local Plan Policy D2 and Paragraph 196(a) of the NPPF.

## **5.19 Energy and Sustainability**

- 5.19.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that "*development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate*".
- 5.19.2 The submitted DAS states that Air Source Heat Pumps will be utilised, in addition to photovoltaic panels where appropriate. The DAS also includes general details that sustainable and local materials will be used in construction, with reuse of existing materials prioritised. Details of sustainable fabrics and sustainable energy generation can be secured at reserved matters stage.

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

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

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £169.45 per dwelling (£33,890 total)
- Habitat Management and Monitoring Plan (HMMP)
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

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

## **5.21 Planning Balance and Conclusion**

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

### Presumption in Favour of Sustainable Development

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*

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

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

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

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

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

#### Benefits of the Proposal

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

#### Social Benefits

- The provision of 200 new suitably sized homes within the District, with a pressing need for new homes, as evidenced by the lack of a 5YHLS. This includes 40 per cent of units as affordable homes. Officers give this benefit significant weight.
- New communal open space (including the SANG in the west of the Site) and children’s play space which would benefit future occupiers of the development but also residents outside the Site boundary. Officers give this benefit significant weight.

#### Economic Benefits

- There would be some benefits in terms of job creation during the construction phase; however, this is a relatively short-term benefit. Officers give this benefit moderate weight.
- Future occupiers would utilise local facilities, improving the viability of these businesses. Officers give this benefit moderate weight.

### Environmental Benefits

- Creation of c. 10ha of green infrastructure, including a large amount of SANG which would be available to surrounding residents, and a BNG of 49.15 per cent, which is above the 10 per cent mandatory national requirement. This makes a large improvement to open space offer in the surrounding area and contributes to mitigation of impacts on nearby protected sites and protected species habitats. Officers give this benefit significant weight.
- Improvements to pedestrian links. Noting the location and destination points of the improved links, officers give moderate weight to this benefit.
- The proposed dwellings will optimise the use of sustainable fabrics and latent thermal control and will use Air Source Heat Pumps and solar photovoltaic panels to utilise sustainable energy generation within the development. This approach aligns with national sustainability aims and officers give this benefit moderate weight.

### Adverse Impacts of the Proposal

5.21.8 The application has been assessed against the relevant policies of the development plan. The main harms resulting from the proposed the development are:

- Development located outside of the settlement boundary, failing to accord with the spatial strategy of the Local Plan; however, given the lack of a 5YHLS resulting in the relevant policies being considered out of date, officers give limited weight to this harm.
- The proposal would establish built form on an open greenfield site, which officers consider to result in would result in 'major/moderate' adverse landscape effects to the immediate context/local landscape setting and up to 'major/moderate adverse' visual effects, the most significant being to people walking Footpath 8. Noting the magnitude of the adverse impacts identified, officers give this harm significant weight.
- Loss of 18.06ha of agricultural land. Noting the large amount of grade 3 agricultural land within the District, officers give limited weight to this harm.
- A low level of less than substantial harm to the grade II listed Prentice Hall Farmhouse

### Planning Balance

5.21.9 The current assessment is made in the context NPPF Paragraph 11(d), where permission should be refused if "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*".

5.21.10 Officers have weighed up the benefits and adverse impacts of the proposal within the context of the NPPF, concluding that the adverse impacts would not significantly and demonstrably outweigh the benefits of the provision of 200 dwellings while the Council cannot demonstrate a 5YHLS. This conclusion is made giving limited weight to the other relevant live housing applications within Tollesbury, given that none benefit from planning permissions or a resolution to grant.

5.21.11 Officers therefore recommend that planning permission should be granted.

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

Application Number	Description	Decision
23/00555/SCR	Request for a Screening Opinion to determine the requirement for an Environmental Impact (EIA) on outline planning application 23/00548/OUT	EIA Not Required 22.09.2023
23/00548/OUTM	Outline planning application with all matters reserved except access, for up to 200no. dwellings (Use Class C3); new site access and internal access roads; a new community building (Use Class F2(b)); land for a community car park (Sui Generis); car and cycle parking; landscaping; sustainable urban drainage systems; public open space; Local Equipped Area for Play ('LEAP'); and associated infrastructure.	Withdrawn 11.03.2024

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

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

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	<p><u>23 March 2026</u> <b>Object</b>, for the following reasons:</p> <ul style="list-style-type: none"> <li>The development is not an appropriate scale to the southwest section of Tollesbury village, nor its steady historical growth. The location is not accessible and would necessitate vehicle trips. The proposal would have an unacceptable impact on traffic and increase the likelihood of traffic incidents.</li> <li>There would be a 16 per cent surge in the number of homes, which would unravel the social fabric of Tollesbury. The village has limited employment opportunities.</li> <li>There has been limited opportunity for community engagement with the</li> </ul>	These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
	<p>applicant. The Parish has therefore had limited ability to comment on the scheme.</p> <ul style="list-style-type: none"> <li>• The Parish is in the process of forming a Community Land Trust for the purpose of bringing forward community-led development, as set out in the Pre-Submission draft Tollesbury Neighbourhood Plan.</li> <li>• There are insufficient primary school places to accommodate the development.</li> <li>• If Plume School in Maldon is required to provide secondary places, it does not benefit from funded transport, which will place financial burdens on parents.</li> <li>• The local sewage treatment works is under stress, resulting in untreated discharges and leaks nearby. Anglian Water is ready to invest in the network but this does not take into account any additional development.</li> <li>• The development would cause irreversible harm to farmland and nearby valued landscapes.</li> <li>• Sustainable food production is important, the proposal would result in the loss of agricultural land.</li> <li>• The development would undermine the archaeological</li> </ul>	

Name of Parish / Town Council	Comment	Officer Response
	potential that exists at the Site.	
Tolleshunt D’Arcy Parish Council	<p><u>4 February 2026</u>  <b>Object</b>, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Tolleshunt D’Arcy already experiences significant traffic issues which would be exacerbated by potentially up to 400 vehicles. The roads cannot handle this level of traffic or impact.</li> <li>• There is very limited local employment in Tollesbury, meaning that the majority of new residents would need to commute, further impacting on roads including Tolleshunt D’Arcy.</li> <li>• The development would increase stress on facilities and services, including the doctors’ surgery, pharmacy, primary school, and local shops, which have not capacity and are used by residents of Tolleshunt D’Arcy.</li> <li>• Maldon District Council has recently approved two smaller developments in Tollesbury comprising 42 dwellings each. This would result in an estimated additional 84 vehicles passing through Tolleshunt D’Arcy, further increasing traffic impacts on the village.</li> </ul>	These comments are responded to where relevant within this committee report.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	<u>17 December 2025</u> <b>No comment</b> , standing advice should be followed.	Noted
Arboricultural Officer (Place Services)	<u>15 December 2025</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Details on tree retention and protection measures.</li> <li>• Protection of existing hedges and shrubs.</li> </ul>	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	<u>16 January 2026</u> <b>No objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Phased Scheme of Archaeological investigation</li> </ul>	Conditions added to Section 8 of this report.
Anglian Water	<u>12 January 2026</u> <b>No objection</b> , subject to informatives.	Informatives added to Section 8 of this report.
Ecology (Place Services)	<u>20 May 2026</u> <b>Further information required:</b> <ul style="list-style-type: none"> <li>• Great Crested Newts (GCN)</li> <li>• Skylarks</li> </ul> <u>28 January 2026</u> <b>Further information required:</b> <ul style="list-style-type: none"> <li>• Mandatory BNG</li> <li>• Great Crested Newts</li> <li>• Skylarks</li> </ul>	Conditions added to Section 8 of this report by officers, including securing GCN and skylark information by planning condition.
Education (ECC)	<u>12 January 2026</u> <b>No objection</b> , subject to financial contributions to education services.	Contributions recommended as part of a s106 legal agreement Heads of Terms.
Essex Bridleways Association	<u>19 December 2025</u> The proposal should involve bridleway improvements and connect existing footpaths to Bridleway 20.	These were not considered necessary considering the location of the application.
Essex County Fire and Rescue Service	<u>12 December 2025</u> <b>Advice provided</b>	Noted. Informative added.
Essex Police – Designing Out Crime	<u>18 December 2025</u> <b>Advice provided</b> on design provided. We would welcome the opportunity to discuss the design with the applicant.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	<p><u>15 December 2025</u>  <b>No objection</b>; however, the network does not have sufficient capacity to support the connection and communication with the applicant in relation to network upgrades will be required ahead of the development taking place.  We request that the developer demonstrates how water will be sourced for construction purposes, including any temporary supply arrangements.</p>	Condition added to Section 8 of this report.
Health and Safety Executive (HSE)	<p><u>19 February 2026</u>  <b>No comment</b></p>	Noted
Highways Authority (ECC)	<p><u>19 January 2026</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Implementation of access arrangements</li> <li>• Bus stop improvements</li> <li>• Public Right of Way No. 8 upgrades</li> <li>• Updated Travel Plan</li> <li>• Residential Travel Packs</li> </ul> <p>The following were requested as conditions but must be secured as planning obligations on the s106 legal agreement:</p> <ul style="list-style-type: none"> <li>• £10,000 contribution towards PRow No. 8 replacement</li> <li>• Up to £600,000 towards bus stop improvements</li> </ul>	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.
Lead Local Flooding Authority (LLFA) (ECC SUDS)	<p><u>22 April 2026</u>  <b>No objection</b>, subject to the following conditions (and informatives also requested but not listed):</p> <ul style="list-style-type: none"> <li>• Detailed surface water</li> </ul>	Conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>drainage scheme.</p> <ul style="list-style-type: none"> <li>• Measures to minimise the risk of offsite flooding.</li> <li>• Details of maintenance arrangements</li> <li>• Annual maintenance logs</li> </ul> <p><u>22 April 2026</u> <b>No comments.</b></p> <p><u>15 April 2026</u> <b>Holding Objection. Further information required:</b></p> <ul style="list-style-type: none"> <li>• The local discharge rate should be used in calculations and takes precedent to the National Standards.</li> </ul>	
Minerals & Waste Planning (ECC)	<p><u>19 May 2026</u> <b>No objection</b>, subject to the following condition</p> <ul style="list-style-type: none"> <li>• A Site Waste Management Plan should be secured by condition.</li> <li>• A Materials Management Plan (MMP) should be secured by condition.</li> </ul> <p><u>8 January 2026</u> <b>Further information required:</b></p> <ul style="list-style-type: none"> <li>• Minerals Resource Assessment.</li> <li>• A Site Waste Management Plan should be secured by condition.</li> <li>• A Mineral Infrastructure Impact Assessment (MIIA) is not required.</li> </ul>	Noted.
Natural England	<p><u>17 December 2025</u> <b>Support</b>, subject to the development providing the following:</p>	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• 3ha/1000 new population</li> <li>• A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectarage (note that SuDS can contribute to greenspace). These areas should have sufficient visual and noise screening.</li> <li>• Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.</li> <li>• 'Dogs-off-lead' areas; dog waste bins.</li> <li>• Signage on-site and information leaflets to first occupiers to promote these areas for recreation.</li> <li>• The long-term maintenance and management of these provisions secured in-perpetuity.</li> </ul>	Terms.
National Health Service Property	<u>20 May 2025</u> <b>No objection</b> , subject to a financial contributions of £150,500 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.
Sports England	<u>15 December 2025</u> <b>No comments.</b>	Noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	<u>9 January 2026</u> The proposal would result in a very low level of less	Noted.

Name of Internal Consultee	Comment	Officer Response
	than substantial harm to the significance of grade II listed Prentice Hall Farm. The level of harm is not sufficient for me to raise a formal objection.	
Environmental Health Officer	<u>31 December 2025</u> <b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Acoustic Design Statement</li> <li>• Construction Environmental Management Plan (CEMP)</li> <li>• Construction Dust Management Plan</li> <li>• Electric Vehicle Charging Infrastructure</li> <li>• Phase 2 Contaminated Land Investigation</li> <li>• Remediation Strategy</li> <li>• Verification Report</li> </ul>	Conditions added to Section 8 of this report.
Housing (MDC)	<u>20 March 2026</u> <b>No objection.</b>	Noted
Waste Commissioning Contracts	<u>16/12/2025</u> <b>No comments</b> , as the application is outline. The developer should refer to the technical documents when considering waste and recycling as part of the design.	Noted

#### 7.4 Site Notice / Advertisement

7.4.1 A press notice was published on December 18 2025. Site notices were placed near the Site. The public consultation period ended on 17 December 2025.

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

7.5.1 1,119 public representations were received **objecting** to the application at the time of this committee report being published and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<u>Principle of development</u> <ul style="list-style-type: none"> <li>• The development is in an inappropriate rural location and is not allocated within the current development plan. This is contrary</li> </ul>	Responses to matters relating to the principle of development are provided within the Principle of Development section.

Objection Comment	Officer Response
<p>to the plan-led system. 200 homes is a disproportionate increase in dwellings to Tollesbury. Local housing need suggested fewer houses are required.</p> <ul style="list-style-type: none"> <li>• Removal of productive farmland which would be permanently lost and weakening of food security.</li> <li>• The Site is in agricultural use, which would be lost. No evidence that the use is no longer needed has been submitted. The loss of use would result in an agricultural dwelling becoming an open market dwelling, contrary to policy.</li> <li>• The proposal would have a cumulative impact with the other live applications in Tollesbury.</li> </ul>	
<p><u>Sustainability of the Site</u></p> <ul style="list-style-type: none"> <li>• The Site has a poor bus service, with no service on Sundays and limited evening bus services. The nearest rail station is far from the Site. There are poor public transport options.</li> <li>• There is a lack of local employment opportunities. This will result in additional commuting and deliveries.</li> </ul>	
<p><u>Affordable Housing</u></p> <ul style="list-style-type: none"> <li>• The affordable housing scheme is not driven by local need and the percentages of affordable housing have been reduced since previous proposals.</li> <li>• The mix and location of affordable homes is not clear.</li> <li>• The submission documents are inconsistent in terms of affordable housing provision.</li> </ul>	<p>The proposal is at outline stage and therefore details of layout would be provided at reserved matters stage. The matters for consideration at outline stage are addressed within the Affordable Housing section of this committee report.</p>
<p><u>Design and Landscape/Townscape Impact</u></p> <ul style="list-style-type: none"> <li>• The development would urbanise a greenfield agricultural site and would significantly impact on local views and landscape harm.</li> <li>• Users of the cemetery would have their amenity and experience impacted on.</li> <li>• The development erodes the identity of Tollesbury village, creating a suburban sprawl.</li> <li>• The enjoyment of nearby public</li> </ul>	<p>Responses to these matters are provided within the Landscape and Visual Impact, Layout and Design, and Open Space, Landscaping and Children's Play Space sections of this report.</p>

Objection Comment	Officer Response
<p>footpaths and open areas would be harmed.</p>	
<p><u>Access, Highways and Parking</u></p> <ul style="list-style-type: none"> <li>• Pavements which residents would use are narrow or missing.</li> <li>• The walking and cycling access routes would be poor, which leads to a dangerous environment for pedestrians, children, cyclists, wheelchair users and pram users.</li> <li>• The development would not be in a sustainable location, outside of the settlement boundary. The application is a departure from the development plan.</li> <li>• Local roads do not have capacity for the additional car use. There would be substantial increased traffic flow in Tollesbury but also through nearby villages.</li> <li>• The vehicle access point onto West Street is unsafe and dangerously close to other proposed junctions.</li> <li>• There are existing issues with public parking availability, which would be exacerbated.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.</p>
<p><u>Natural environment</u></p> <ul style="list-style-type: none"> <li>• The development would impact bats, birds, insects, reptiles, small mammals and other protected animals on the Site. The submitted ecological surveys do not provide adequate evidence or mitigation.</li> <li>• Protected habitats, including water courses, would be harmed, including on nearby designated sites.</li> <li>• There would be an unacceptable loss of trees and hedgerow on the site.</li> <li>• The development would cause light spill and noise disturbance to local wildlife.</li> <li>• BNG has not been properly addressed, including the submitted calculations and treatment of watercourses/ditches on the Site.</li> <li>• There is a lack of new habitat creation including swift or bee bricks.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.</p>
<p><u>Flood Risk and Drainage</u></p> <ul style="list-style-type: none"> <li>• The site is a flood risk.</li> <li>• There is insufficient foul sewage infrastructure.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Flood Risk and Drainage Section.</p>
<p><u>Heritage Impact</u></p>	

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• The development would negatively impact on the historic character of Tollesbury.</li> <li>• The development harms the setting of heritage assets and listed buildings. Insufficient information is provided in this regard.</li> <li>• The submission is supported by insufficient archaeological assessment despite high archaeological potential.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Heritage Impact Section.</p>
<p><u>Amenity Impact</u></p> <ul style="list-style-type: none"> <li>• The construction period would result in unacceptable noise and air pollution.</li> <li>• The development would impact on the quiet setting of the cemetery, including nearby informal play areas and roads.</li> <li>• There would be an unacceptable loss of outlook and visual amenity from existing homes.</li> <li>• The development would result in light pollution.</li> <li>• Air Source Heat Pumps and traffic would create undue noise and disturbance.</li> <li>• Vibration and visual harm from bus stops and increased traffic.</li> </ul>	<p>Responses to matters relating to these matters are provided within the Impacts on Amenity Section.</p>
<p><u>Infrastructure and Services</u></p> <ul style="list-style-type: none"> <li>• The development would place additional stress on local medical facilities, with GP appointments difficult and a deficit of surgery capacity. The cost of expanding health facilities is underestimated.</li> <li>• Increased stress on water facilities and low water pressure.</li> <li>• High levels of bacteria have been found in waters surrounding the sewage works outlet. The development would lead to increased stress on education infrastructure and Tollesbury Primary School becoming oversubscribed and does not have safe walking/cycling routes to alternative schools. There is no choice if parents wish to send children to a religious school.</li> <li>• There would be increased school transport costs and car journeys.</li> </ul>	<p>Responses to matters relating to these matters are provided within the relevant sections of this report, considered to be acceptable subject to the various infrastructure contributions which are laid out in the s106 Heads of Terms.</p>

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>The development would lead to power cuts and issues with broadband reliability.</li> </ul>	
<p><u>Other Matters</u></p> <ul style="list-style-type: none"> <li>The submitted plans are inconsistent on many aspects.</li> <li>The applicant did not undertake any meaningful engagement with residents, which relied on online consultation.</li> </ul>	<p>Officers have assessed the submission package and consider the documents to be accurate and sufficient. The elements which display some minor inaccuracies are not central to determination and do not negatively impact on decision making.</p> <p>The application is supported by a Statement of Community Involvement (SCI) and the Local Planning Authority has carried out public consultation in accordance with statutory and local requirements.</p>

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

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

- Affordable Housing Scheme, including:
  - Provision of at least 40 per cent affordable housing
  - Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
  - Provision of at least 75 per cent social rent within the affordable rent portion.
  - A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Allotment management procedure
- Annual Travel Plan monitoring fee of £1,817 (index linked to April 2025) from first occupation until one year after final occupation
- Bus service improvements (from Tollesbury and Tiptree to Witham) financial contribution of £600,000
- Education contributions including:
  - Early years childcare financial contribution of £368,100, index linked to Q1 2025
  - Primary education financial contribution of £1,227,000, index linked to Q1 2025
  - Secondary school transport contribution of £237,880, index linked to Q2 2021
  - Libraries financial contribution of £15,560, index linked to April 2020
  - A £700 monitoring fee per obligation (£2,800 total)
- Employment and Skills Plan
- Essex Coat RAMS contribution of £175.55 per dwelling (up to £35,110 total) and implementation of mitigation measures including:
  - 3ha SANG/1000 new population

- A breakdown of the areas that are proposed to contribute to high quality semi-natural accessible greenspace, i.e. showing the location, design and hectareage (note that SuDS can contribute to greenspace). These areas should have sufficient visual and noise screening.
- Circular dog walking routes of at least 2.3 km within the site and/or linking to surrounding Public Rights of Way (PRoW) and highway network.
- 'Dogs-off-lead' areas; dog waste bins.
- Signage on-site and information leaflets to first occupiers to promote these areas for recreation.
- The long-term maintenance and management of these provisions secured in-perpetuity.
- Financial contribution of £10,000 for the replacement and implementation of a new footbridge to the southeast of the site for Public Footpath No. 8
- Management Company details
- NHS healthcare Primary Care Network infrastructure contribution of £150,500

## PROPOSED CONDITIONS

### 1 Outstanding Reserved Matters

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

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

### 2 Reserved Matters Time Limit

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

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

### 3 Outline Permission Commencement Time Limit

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

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

### 4 Approved Plans and Parameter Plans

The reserved matters submitted pursuant to Condition 1 of this permission shall be submitted in accordance with the details set out in the following approved plans:

Site Location Plan LP-01 Rev B

Access and Movement Parameter Plan AMPP-01 Rev P3

Building Density Parameter Plan BDPP-01 Rev P3

Building Heights Parameter Plan BHPP-01 Rev P4

Green and Blue Infrastructure Parameter Plan GBIPP-01 Rev P2

Land Use Parameter Plan LUPP-01 Rev P5

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

**5 Housing Unit Size Mix**

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 accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2025) or any subsequent updated Local Housing Needs Assessment.

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

**6 Soft and Hard Landscaping Scheme**

Full details of the onsite provision and subsequent retention of both hard and soft landscape works shall be submitted concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. These details shall include:

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

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

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

**7 Site Levels**

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

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

## **8 Construction Environmental Management Plan**

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include (but not be limited to) the following details:

- 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
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

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

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

REASON To ensure that on-road parking of these vehicles in the adjoining roads does not occur, prevent dust emissions, ensure that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, and to protect priority and protected species and nearby designated habitats sites, in the interests of highway safety and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

## **9 Site Access**

Prior to first occupation of the development, the access arrangements and off-site highway works, as shown in principle on Motion drawings nos ‘2109082-03 Rev B’ and ‘2109082-04 Rev B’, shall be fully implemented and retained as such for the life of the development. All details are to be agreed with the Highway Authority and to include, but not be limited to, the following:

- Provision of clear to ground visibility splays of 2.4m x 132m to the west and 2.4m x 142m to the east of the proposed access;
- A bellmouth access with minimum radii of 6m with a 3m shared use pedestrian / cycleway on the eastern side;
- Provision of a 3m shared use pedestrian / cycleway running from the site eastwards along the southern side of West Street to a point adjacent to no 39 West Street, with appropriate signing, lining and tactile paving;

- Provision of a 2m wide footway together with appropriate dropped kerbs and
- tactile paving on the northern side of West Street; • Provision of a pair of dropped kerb crossing points and tactile paving across West Street to the new 2m footway mentioned above;
- Extend the 30mph speed limit to the west of the site entrance and provide a new gateway feature with appropriate signing and lining as necessary.

**REASON:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

#### **10 Bus Stop Improvements**

Prior to the first occupation of any dwelling within the development hereby approved, the developer shall implement bus stop improvements, to ECC specification, to include the following:

- Provision of raised kerbs, pole and flag with timetable on the northern side of West Street, for eastbound buses, with appropriate footway and hardstanding as necessary
- Provision of a shelter, raised kerbs, pole and flag with timetable on the southern side of West Street, for westbound buses, with appropriate footway and hardstanding as necessary
- Provision of a freestanding Real Time Passenger Information sign at 'The Square' bus stop, on the southern side of the High Street

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

#### **11 Public Footpath Works**

Prior to the commencement of the development hereby approved, a scheme for the diversion and upgrading of Public Footpath no 8 (Tollesbury parish) within the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be implemented in accordance with the approved details, prior to the first occupation of any residential dwelling hereby permitted.

**REASON** To ensure the continued safe passage of the public on the definitive right of way and provide safe accessibility to nearby facilities and services in accordance with in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

#### **12 Travel Plan**

Prior to the first occupation of the proposed development, the Developer shall submit an updated residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation.

**REASON** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

#### **13 Residential Travel Packs**

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

**REASON** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

**14 External Materials**

The reserved matters for the approval of layout and appearance shall include details of all proposed external finishing materials to be used in the development. No development above ground level shall commence until details or samples of all external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

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

**15 Boundary Treatment**

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

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

**16 Surface Water Drainage Scheme**

No works except demolition shall take place until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 9.3l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event, *OR, if impracticable,*

- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

**REASON** To prevent flooding, ensure effective operation of SuDS features over the lifetime of the development and mitigate environmental harm to the local water environment, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

#### **17 Offsite Flooding**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved scheme, with any prevention or mitigation measures in place at all times as required.

**REASON** To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

#### **18 Surface Water Drainage Maintenance Scheme**

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

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

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

#### **19 Surface Water Drainage Maintenance Logs**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

## **20 Tree Retention and Protection**

Prior to the commencement of any development hereby permitted, details shall be submitted to, and approved in writing by, the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

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

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

## **21 Hedges and Shrubs Retention and Protection**

Prior to the commencement of any development hereby permitted, details relating to fencing/ground protection to protect the hedges/shrubs to be retained in accordance with BS5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

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

**22 Archaeology Phased Programme of Archaeological Investigation**

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including aerial photographic rectification, geophysical survey and archaeological trial trenching has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.

(3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

(5) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON To protect the site which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**23 Acoustic Design Statement**

An Acoustic Design Statement shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The statement shall demonstrate that acceptable internal and external noise environments will be achieved for future occupiers, having regard to road traffic noise and other relevant noise sources. The statement shall include details of layout, façade design, glazing and ventilation. No development shall commence until the Acoustic Design Statement has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with all recommendations of the approved Acoustic Design Statement, which shall be implemented prior to the occupation of the relevant dwelling they relate to, and be permanently retained thereafter.

REASON To ensure that future occupiers are provided with a satisfactory living environment and are not exposed to unacceptable levels of noise, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**24 Phase 2 Contaminated Land Investigation**

No development shall commence until a Phase 2 intrusive site investigation and risk assessment has been submitted to and approved in writing by the

Local Planning Authority. The investigation shall assess the nature and extent of contamination and ground gas risks and include appropriate recommendations.

**REASON** To ensure that potential land contamination risks are fully assessed and that the site is suitable for residential use, in the interests of public health and environmental protection, in accordance with Policy D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

**25 Remediation Strategy**

Where contamination is identified, no development shall take place until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority and implemented in full.

**REASON** To ensure that any contamination present on site is appropriately remediated to protect future occupiers, buildings, and the environment, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

**26 Verification Report**

Prior to the first occupation of any dwelling hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority, confirming that any approved remediation works have been satisfactorily completed.

**REASON** To confirm that the site is suitable for residential use and does not pose a risk to human health or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

**27 Site Waste Management Plan (SWMP)**

No development (including demolition, site clearance or groundworks) shall commence until a Site Waste Management Plan (SWMP) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted SWMP shall include, but not be limited to the following details:

- a site-wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation
- strategic forecasts in relation to expected waste arisings for construction,
- waste reduction/recycling/diversion targets, and monitor against these
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area

The development hereby approved shall be implemented in accordance with the approved SWMP.

**REASON** To promote sustainable resource management, minimise waste generation and ensure waste is managed in accordance with the waste hierarchy, in accordance with policies D1 of the Maldon District Local Development Plan (2017) and Policy S4 of the Essex Minerals Local Plan (2014).

**28 Construction Groundwater Sourcing**

Prior to the commencement of the development hereby approved, details of the source of water for construction purposes have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include:

- All proposed sources for water supply for construction activities
- Details of any temporary connections to the public water network or alternative sources such as deliveries or onsite abstraction
- Mitigation measures to minimise the use of water and prevent adverse impacts on the public network

The approved details shall be implemented and complied with for the duration of the construction phase.

**REASON** To ensure that adequate water supply is available for construction purposes without adversely affecting the integrity and capacity of the local water supply network, in accordance with Policies S1, D1 and I1 of the Maldon District Local Development Plan (2017) and the relevant parts of the NPPF.

**29 Public Open Space Provision**

A scheme for the proposed area of public open space shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The details shall be broadly in accordance with the Landscape Illustrative Masterplan '8158.ASP4.ILSP'. The development shall be carried out only in accordance with the approved details.

**REASON** To ensure sufficient amenity space is provided to future occupiers and to mitigate visual impact on the surrounding area, in accordance with Policy D1 of the adopted Maldon District Local Development Plan.

**30 Public Open Space Management**

Prior to the first occupation of any residential unit hereby permitted, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.

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

**31 Children's Play Equipment**

Prior to the first occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning Authority. The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development.

**REASON** To provide sufficient local play options for children, in accordance with Policy N3 of the Maldon District Local Development Plan (2017).

**32 Permitted Development Rights**

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

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

**33 Sustainability and Renewable Energy**

The reserved matters for the approval of layout and appearance shall include details of energy efficient and renewable energy installations for each dwelling. The energy efficient and renewable energy installations as approved shall be provided prior to the first occupation of each dwelling they serve and shall be permanently maintained and retained at all times thereafter.

REASON In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies D1 and D2 of the Maldon District Local Development Plan (2017).

**34 Waste Management Plan**

A Waste Management Plan shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission. The Waste Management Plan shall provide details including the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points and bin drag distances if necessary. No development shall commence until the Waste Management Plan has been approved in writing by the Local Planning Authority. The bin and recycling stores as approved shall be provided in accordance with the approved details prior to the first occupation of each dwelling and permanently retained at all times thereafter.

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

**35 Biodiversity Enhancement Strategy**

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

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

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

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

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act

2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

**36 Habitat Management and Monitoring Plan (HMMP)**

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

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

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

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

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

REASON To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development and to meet the requirements of Policies N1 and N2 of the Maldon District Local Development Plan (2017).

**37 Materials Management Plan**

Prior to the commencement of any development hereby approved, including any site clearance or preparation, a Materials Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall included, but not be limited to, the following details:

- Details of the quantity and location of sand and gravel to be excavated as part of the development hereby approved
- An assessment of the onsite construction uses and quantities of the materials
- Confirmation of how the identified materials will be processed, stored and re-located within the development

The development hereby approved shall thereafter be carried out in accordance with the approved Materials Management Plan.

**REASON** To encourage the sustainable use of existing mineral resources and to reduce the need for construction vehicle trips in the interests of sustainable development, in accordance with Policies S4 and S8 of the Essex Minerals Local Plan (2014).

**38 Updated Badger Survey**

Prior to the commencement of the development hereby permitted, an updated badger survey shall be undertaken to identify any new or active badger setts within the site. The survey results and any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

If any changes in badger activity are detected or where the survey results indicate that changes have occurred that will result in badger-related ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.”

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

**39 Skylark Mitigation Strategy**

Prior to the commencement of development hereby permitted, a Skylark Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall include, but not be limited to:

- An assessment of existing Skylark territories and the impact/loss as a result of the development
- Details of all onsite/offsite mitigation measures to compensate for the loss
- Details of long-term management of the mitigation areas/features and a timetable for implementation

The approved mitigation measures, including any habitat creation, shall be implemented in accordance with the approved timetable for implementation and retained as such for the duration of the development.

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

**40 Great Crested Newt License**

No works that would affect the breeding / resting place of Great Crested Newts shall commence until the local planning authority has been provided with: (a) a licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/ development to go ahead; or (b) evidence of

site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or (c) a Great Crested Newt District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/ development to go ahead; or (d) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

#### **41 Wildlife Sensitive Lighting Scheme**

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

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

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

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

### **INFORMATIVES**

#### **1. Biodiversity Net Gain**

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

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

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

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

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

## **2. Anglian Water**

Anglian Water advise that:

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

## **3. ECC Highways**

The Highways Authority (ECC Highways) advise that:

- ii. Please note that as the application is Outline for Access only; no detailed assessment of the internal layout has been undertaken at this time.
- iii. The Stage 1 Road Safety Audit and subsequent designers' response have been noted and accepted.
- iv. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 8 (Tollesbury Parish) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
- v. There shall be no discharge of surface water onto the Highway from the site.
- vi. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

vii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

viii. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

#### **4. Waste Authority**

You are advised that access for collection vehicles including private roads should be suitable for 26 tonne vehicles to minimise collection points and manual handling for residents and crews. Storage for flats - new legislation 'Simpler Recycling' requires the Council to collect a full range of recycling including food waste for all properties including flats from 31 March 2026. <https://www.gov.uk/government/publications/simpler-recycling-in-england-policy-update/simpler-recycling-in-england-policy-update>

#### **5. Lead Local Flood Authority**

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk). Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise. We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant

information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

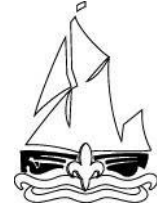
**6. Essex Fire and Rescue**

You are advised to contact Essex County Fire & Rescue Service in relation to the detailed design of the development, including placement of firefighting water supplies. Details are provided in the Essex County Fire & Rescue Service consultation response, dated 12 December 2025.

**7. Essex Police**

You are advised to refer to Essex Police Designing Out Crime Officer advice (see consultation response dated 18 December 2025) when considering the detailed design at reserved matters stage.

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

to  
**DISTRICT PLANNING COMMITTEE**  
25 June 2026

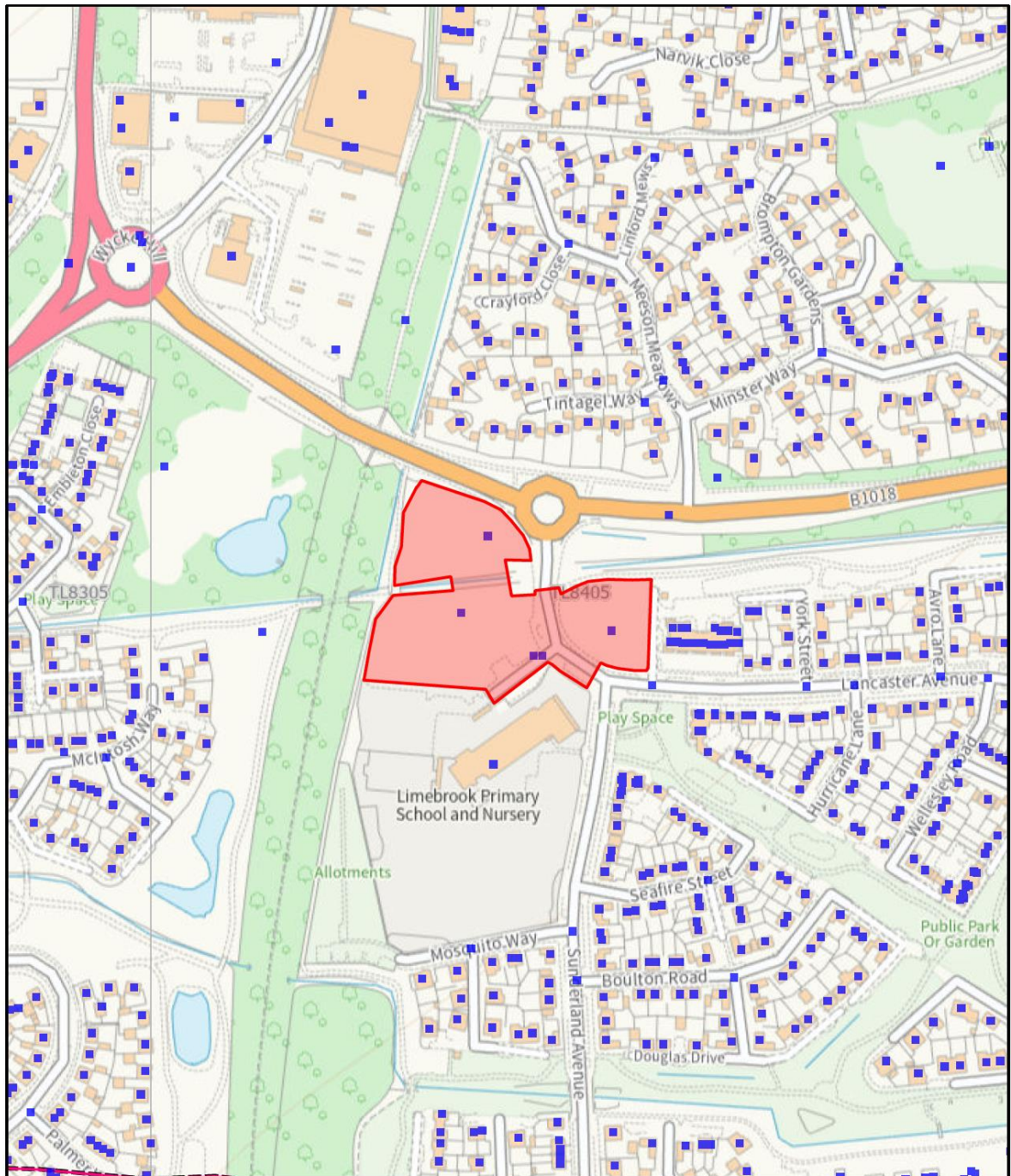
<b>Application Number</b>	<b>25/00482/RESM</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way Maldon Essex
<b>Proposal</b>	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application 25/00483/VARM (Variation of conditions 30 and 31 on approved planning permission 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage Systems (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure.)) Details of Local Centre.
<b>Applicant</b>	HDD Maldon Limited And Taylor Wimpey UK Limited
<b>Agent</b>	James Clark - Pegasus Planning Group
<b>Target Decision Date</b>	2 July 2026 (extension of time agreed)
<b>Case Officer</b>	Gareth Ball
<b>Parish</b>	<b>Maldon West</b>
<b>Reason for Referral to the Committee / Council</b>	Director of Place, Planning and Growth considers in consultation with the Chairperson that the proposal is of particular strategic interest.

**1. RECOMMENDATION**

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

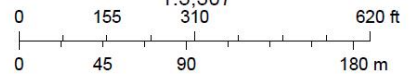
2. **SITE MAP**

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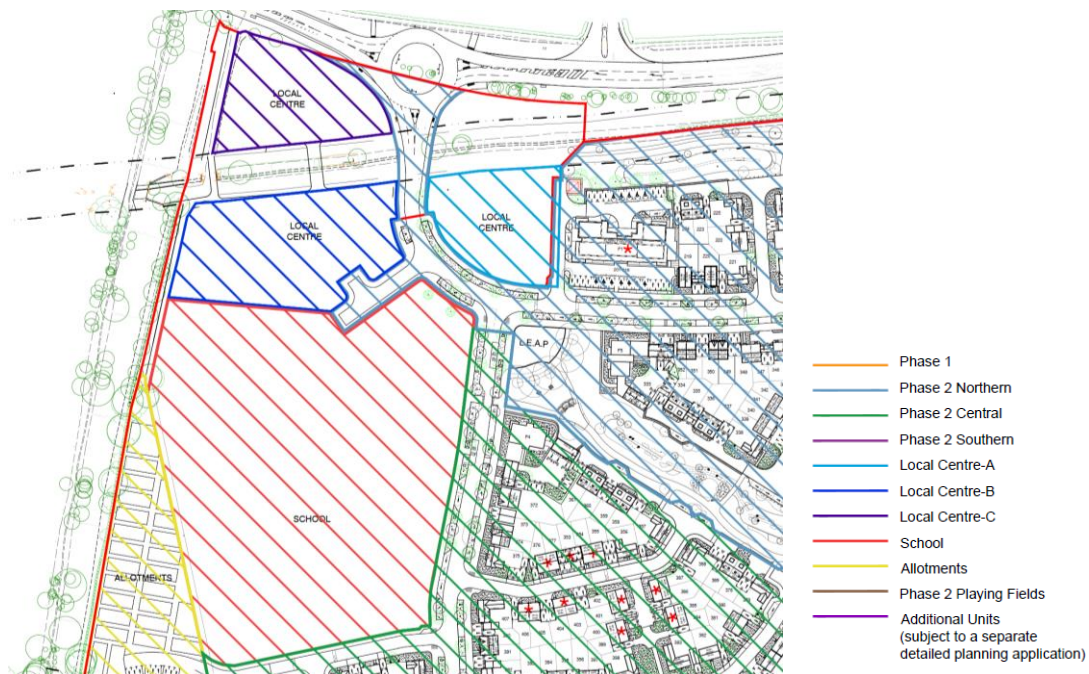
- GMS BLPU Points
- ▭ Parish Polygon
- ▭ Ward Polygon
- ▭ OS Grid Tiles 1km

### 3. SUMMARY

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

##### The Application Site

- 3.1.1 The application site (hereon referred to as the “Site”) comprises an area of land located on the southern side of Limebrook Way. The existing Site is open green space, split into three separate parcels due to the Lime Brook running through the centre of the Site east-west and Lancaster Avenue (the previously approved road providing access to the Site, off Limebrook Way) splitting the Site north-south. Lancaster Road provides vehicle access off Limebrook Way.
- 3.1.2 Further background is provided in Section 3.1 of this report, but the Site is a Local Centre phase of development located within the South Maldon Garden Suburb, a strategic urban extension site to the south of Maldon. The Limebrook Primary School and Nursery lies to the south, and three storey residential flats to the east \*on the opposite side of Lancaster Avenue), which are both completed developments which were also part of the garden suburb. The Maldon Wick Nature Reserve (a Local Wildlife Site), which is a disused railway line, lies directly to the west of the Site.
- 3.1.3 Condition 7 of the Outline Consent required that “*the eastern parcel shall be carried-out in accordance with the approved Strategic Phasing Plan (application reference 18/05066/DET or as amended 22/00422/NMA)*”. A Non-Material Amendment (NMA) (application ref 22/00422/NMA) was approved in 2022 which amended the approved Strategic Phasing Plan which was secured under Condition 7 of the Outline Permission. The NMA split the Local Centre into three separate sub-phases A, B and C as per the below cut of the plan within that granted NMA:



**Figure 1 - Local Centre within the Strategic Phasing Plan**

- 3.1.4 While the Site is itself a phase within a wider strategic outline approval, the sub-phases are required in order to phase the delivery of the Local Centre and trigger conditions appropriately – this report will therefore refer to the plots accordingly.

3.1.5 The site is not the subject of any national or local landscape designations. The Site lies wholly within flood risk zone 1, which is an area of the lowest categorised risk of flooding. The Site is not located in any conservation area, nor does it contain any designated or non-designated heritage assets.

3.1.6 A Public Right of Way (PRoW) (Footpath 8 Maldon) runs down the western side of the Site, outside of the red line currently under consideration.

#### The Proposed Development

3.1.7 The proposal seeks reserved matters consent for the development of the Local Centre phase of the South Maldon Garden Suburb. The Outline Permission reserved the matters of Appearance, Landscaping, Layout, Scale, which are therefore considerations within this current reserved matters application.

3.1.8 The proposed scheme comprises:

- 78-bed dementia care home, a three-storey brick-finished located in the southwest of the Site.
- One single-storey brick-finished building commercial unit to provide E(b) use - Display or retail sale of goods, other than hot food
- Five commercial units in a single-storey brick-finished buildings, used as flexible use as any of the following Use Classes (as per Outline Permission):
  - E(a) Display or retail sale of goods, other than hot food
  - E(b) Sale of food and drink for consumption (mostly) on the premises
  - E(c)(i) Financial services,
  - E(c)(ii) Professional services (other than health or medical services)
  - E(c)(iii) Other appropriate services in a commercial, business or service locality
  - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
  - E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
  - E(f) Creche, day nursery or day centre (not including a residential use)
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - F1(a) Provision of education
  - F1(b) Display of works of art (otherwise than for sale or hire)
  - F1(c) Museums
  - F1(d) Public libraries or public reading rooms
  - F1(e) Public halls or exhibition halls
  - F1(f) Public worship or religious instruction (or in connection with such use)
  - F1(g) Law courts
  - F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
  - F2(b) Halls or meeting places for the principal use of the local community
  - F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
  - F2(d) Indoor or outdoor swimming pools or skating rinks
  - Sui Generis public houses, wine bars, drinking establishments
  - Sui Generis drinking establishments with expanded food provision
  - Sui Generis hot food take-aways (for the sale of hot food where consumption of that food is mostly undertaken off the premises)

- Sui Generis cinemas, concert halls, bingo halls, dance hall
- 3.1.9 The proposal also includes associated parking and landscaping, in addition to pedestrian paths opening the Site onto Limebrook Way and Lancaster Road.
- 3.1.10 The application is supported by a statement from the potential operator, Lovett Care, who are an established operator of over 2,200 care beds across 32 homes.
- 3.1.11 As previously stated, the scheme is bisected by Lancaster Road down the middle and Lime Brook east-west, resulting in the proposal being spread across three phases as per the approved Strategic Phasing Plan:
- Local Centre A (sub-phase A) two commercial units totalling 485.9sqm
  - Local Centre B (sub-phase B) 78-bedroom care home
  - Local Centre C (sub-phase C) four commercial units totalling 529.5sqm

#### Background / Application History

- 3.1.12 The Site which forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Local Development Plan (the “Local Plan” or LDP) which originally gained outline planning permission (reference 14/01103/OUT) in December 2016. The Strategic Site has, since the original planning permission was granted, been divided into Eastern and Western Parcels. The wider strategic site is known as the South Maldon Garden Suburb.
- 3.1.13 The original permission was amended multiple times, with the final amendment (at the time of writing this committee report) was the application hereon referred to as the Outline Permission, a Section 73 ‘minor-material amendment’ application (ref 22/00393/VARM) which was granted consent for:
- “Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of ‘Access Link Strategy’) on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)”*
- 3.1.14 Condition 6 of the Outline Permission requires any reserved matters application to comply with the approved parameter plans:
- 323 Rev C 'Design Parameter Plan - Land Use'
  - 324 Rev B 'Design Parameter Plan - Building Height'
  - 325 Rev A 'Design Parameter Plan - Residential Density'
  - 326 Rev C 'Design Parameter Plan - Green Infrastructure'
  - 327 Rev C 'Design Parameter Plan - Movement and Access'
- 3.1.15 There are a number of conditions attached to the outline planning permission (reference 22/00393/VARM) which the current reserved matters application would

need to comply with, as listed below. Conditions which require details to be submitted as part of this reserved matters application are assessed within the relevant sections of this committee report where appropriate:

- 23 – footpath and cycle routes
- 44 – Landscaping and trees
- 45 – tree protection measures
- 56 – materials
- 57 – boundary treatments
- 58 – land levels
- 60 – details of hydraulic flood modelling
- 62 – up to date flood risk assessment
- 63 – surface water
- 64 – foul water drainage details
- 65 – car parking
- 66 – details of covered secure bicycle parking
- 70 – Ecological Conservation Management Plan Statement
- 71 – air quality impact
- 72 – Noise Impact Assessment
- 78 – lighting
- 80 – Renewable energy statement
- 82 – waste and recycling facilities

3.1.16 The Outline Permission also placed constraints on the Local Centre through Conditions 28-34. These are addressed later in this committee report.

3.1.17 The Section 106 agreement bound to the original permission contained a clause within Section 15 which also legally binds it to any planning permissions granted through Section 73 applications branching off the original permission. That Section 106 agreement therefore applies to the Outline Permission ref 22/00393/VARM; however, as demonstrated below, none of the planning obligations directly relate to the Local Centre phase:

- Highway and public transport obligations
- Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units)
- Education (provision of land for and a financial contribution to Essex County Council)
- Healthcare financial contribution
- Provision of an allotment site
- Financial contribution for youth facilities
- A local management organisation to manage and administer the green infrastructure provided
- Children's play areas

## **3.2 Conclusion**

3.2.1 The principle of development was permitted within the Outline Permission, including the appropriateness of the proposed land uses. Officers acknowledge the comments of the urban design officer in relation to the proportion of the Site allotted to the care home; however, no restriction was imposed within the Outline Permission and it cannot lawfully or reasonably be imposed at reserved matters stage. The commercial units are in flexible use, which was conditioned within the Outline Permission and

allows maximum flexibility for the Local Centre to provide services to residents. The applicant has agreed for one commercial unit to be secured as a food and drink retail unit, to ensure that there is provision of at least one local shop. Officers understand that the applicant is in discussions with a national retailer to take up this unit; however, while encouraging, this is not a planning consideration.

- 3.2.2 The impact on the amenities of sensitive receptors, most notably the residential properties to the east, would not be impacted by the scale and layout of the proposal. The development would be subject to the conditions of the Outline Permission which restrict the noise-generation and hours of use of the buildings, in addition to construction management.
- 3.2.3 The proposal aligns with the access restrictions of the Outline Permission, including the link road to the other phases of the strategic site and the limitation of one crossing point over Lime Brook. The development would provide policy-compliant parking for cars and cycles.
- 3.2.4 Following cooperation with the Lead Local Flood Authority (LLFA), the development would comply with the flood risk and drainage requirements of the Outline Permission and the relevant conditions therein.
- 3.2.5 The proposal would have an acceptable impact on European protected ecology sites, with the applicant agreeing to a commuted Recreation Disturbance Avoidance Mitigation Strategy (RAMS) payment in accordance with calculations supplied by Natural England (NE) to equate the care home use to equivalent C3 residential dwellings.
- 3.2.6 In summary, the proposed reserved matters would fall within the parameters of the Outline Permission and its relevant conditions. The additional details within the reserved matters would create a lively and accessible Local Centre for the South Maldon Garden Suburb and existing residents further afield, which would provide a range of accessible amenities for all groups of people, while also providing care home provision in an appropriate location. Officers consider the proposed reserved matters to be policy compliant and therefore recommend that members grant this application seeking reserved matters.

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

- 4.1 Members' attention is drawn to the list of background papers attached to the agenda.
  - 4.1.1 The Development Plan comprises the Maldon District Local Development Plan (the "Local Plan") and the National Planning Policy Framework (NPPF). The Site does not fall within any neighbourhood plan. The policies most relevant to this application include:
    - 4.2 **National Planning Policy Framework (NPPF) including paragraphs:**
      - 7 Sustainable development
      - 8 Three objectives of sustainable development
      - 10-12 Presumption in favour of sustainable development
      - 39 Decision-making
      - 48 – 51 Determining applications
      - 56 – 59 Planning conditions and obligations
      - 61 - 84 Delivering a sufficient supply of homes

- 85-87 Building a strong, competitive economy
- 96 – 108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- D6 Advertisements
- E1 Employment
- E2 Retail Provision
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

**4.4 Relevant Planning Guidance / Documents:**

- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- South Maldon Garden Suburb Strategic Design Code SPD (2016)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

## 5. MAIN CONSIDERATIONS

### 5.1 Reserved Matters

5.1.1 Outline Permission Condition 3 required that “*application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the 01 December 2016*”. This submission for reserved matters was submitted on 15/05/2025 and therefore complies with Condition 3.

5.1.2 The current application relates to reserved matters only, which in the case of the Outline Consent were appearance, landscaping, layout and scale. The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides definitions of these reserved matters as follows:

- “**appearance**” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture
- “**landscaping**”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
  - (a) screening by fences, walls or other means;
  - (b) the planting of trees, hedges, shrubs or grass;
  - (c) the formation of banks, terraces or other earthworks;
  - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
  - (e) the provision of other amenity features;
- “**layout**” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- “**scale**” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

5.1.3 Matters which fall outside of the above cannot be considered within this reserved matters application.

5.1.4 The Government’s Appeals Planning Practice Guidance (PPG) reminds that “*refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage*” may be considered unreasonable and risk an award of costs.

### 5.2 Land Use

5.2.1 The Outline Permission was granted permission for:

*“Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage*

*basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.”*

5.2.2 The acceptable land uses for the community hub (referred to above as local centre) were also secured through two parameter plans, which dictated the land areas which are appropriate for the approved uses.

5.2.3 Following the Outline Consent being granted, the Town and Country Planning (Use Classes) Order 1987 was updated in September 2020. The Outline Permission was last varied by S73 approval ref 22/00393/VARM; however, the S73 did not amend the use classes referred to in the outline’s description of development. It did however amend the use classes within the conditions. For clarity and to avoid any confusion given the use of the old uses within the Outline Consent, the uses permitted within the community hub are as follows:

<b>Use Description</b>	<b>Current Use Class</b>	<b>Previous Use Class</b>
Display or retail sale of goods, other than hot food	Ea	A1
Sale of food and drink for consumption (mostly) on the premises	Eb	A3
Provision of: E(c)(i) Financial services, E(c)(ii) Professional services (other than health or medical services), or E(c)(iii) Other appropriate services in a commercial, business or service locality	Ec(i-iii)	A2
Public houses, wine bars, or drinking establishments or drinking establishments with expanded food provision	Sui Generis	A4
Hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises)	Sui Generis	A5
E(g) Uses which can be carried out in a residential area without detriment to its amenity: E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes, E(g)(iii) Industrial processes	Eg(i-iii)	B1a
Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres	C2	C2
Dwellinghouses	C3	C3
E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) E(f) Creche, day nursery or day centre (not including a residential use) F1 Learning and non-residential institutions F1(a) Provision of education F1(b) Display of works of art (otherwise than for sale or hire) F1(c) Museums F1(d) Public libraries or public reading rooms F1(e) Public halls or exhibition halls F1(f) Public worship or religious instruction (or in connection with such use) F1(g) Law courts	E(e-f), F1	D1
E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,) F2(c) Areas or places for outdoor sport or recreation	E(d), F2(c-d)	D2

Use Description	Current Use Class	Previous Use Class
(not involving motorised vehicles or firearms) F2(d) Indoor or outdoor swimming pools or skating rinks		

**Table 1 - Land Use Classes**

5.2.4 The conditions on the Outline Consent which impact the land uses within this reserved matters application are summarised below:

- Condition 28 requires the **distribution and size of all units** within the use classes Classes E (a-f), E (g)(i), F1, F2 (c-d) and Sui Generis uses including public houses, drinking establishments with expanded food provision, hot food take-aways, cinemas and concert/bingo/dance halls.
- Condition 29 states that there shall be **no amalgamation/sub division** of any units in the uses listed in Condition 28.
- Condition 30 applies the following **hours of use** for any units in the above land uses:
  - Monday to Saturday .....07:00 to 23:00 hours
  - Sundays and Bank Holidays.....10:00 to 17:00 hours
- Condition 31 restricts **delivery and collection times** to any units in the above land uses to:
  - Monday to Saturday .....07:30 to 19:00 hours
  - Bank Holidays.....None
- Condition 32 requires **waste management details** to be provided prior to the development of any units within the above uses.
- Condition 33 required details of installation of any **extract ventilation system** prior to the development of any units within the above uses.
- Condition 34 prevents any amplified sound used within any of the above listed uses.

Proposed Commercial Units

5.2.5 The six commercial units are proposed as flexible use within the mix of commercial uses supported within the Outline Permission and noted in Paragraph 3.1.8 of this committee report. This is supported – the flexible use will provide maximum vitality and viability to occupiers, allowing the units to flexibly adapt to the required facilities of the area. Officers consider the proposal to comply with Outline Permission 28.

5.2.6 The scale of the units is considered to be acceptable, ranging from c. 70sqm to c. 204sqm for the five smaller units, and a larger c. 393sqm unit on the eastern Phase A. The scale of the units is protected by Outline Permission Condition 29, which prohibits any amalgamation of sub-division of the uses. The scale and distribution are considered to be acceptable to allow the units to function, in accordance with Condition 28 of the Outline Permission.

5.2.7 Officers recommend a condition on the care home to restrict it's use to Class C2 care home – if this larger three-storey building was allowed flexible use, it may trigger significant policy implications, such as large scale edge of settlement retail.

Proposed Care Home Use

5.2.8 The outline permission does not: in any way:

- Restrict or cap a specific number of beds or floorspace of C2 units

- Require a scale/quantum, mix or proportion of other supported uses within the Local Centre
  - Set out the spatial location of the uses within the Local Centre site
- 5.2.9 The land use parameter plan also acknowledges the use, with the 'key' defining the mixed use local centre as "*Mixed Use: Local Centre, to include employment, retail and community uses, primary school, early years facility, residential and infrastructure uses*".
- 5.2.10 The appropriateness of the C2 use for the local centre was also noted through the approved land use parameter plan, which identified the "Mixed Use: Local Centre" (it should be noted that this encompassed the Local Centre area as well as land to the south, where the new school has been built) to include employment, retail and community uses, primary school, early years facility, residential and infrastructure uses.
- 5.2.11 Officers note that Condition 28 requires details of the distribution and size of proposed commercial units in order to ensure vitality to the Local Centre; however, this is detached from the care home use and cannot be applied to the care home. Further, the condition relates to the size and distribution of the commercial units to assess whether their design is appropriate to the use, rather than providing a basis for requiring a certain quantum or type of commercial use on the Site.
- 5.2.12 The applicant has taken legal advice, noting multiple examples of caselaw and stated that reassessing the principle of development that was decided in the Outline Permission may be considered unlawful and even unreasonable decision making.
- 5.2.13 The Local Planning Authority (LPA) has sought its own legal opinion on the matter, which advised that "*a restriction on the C2 use would need to be by way of condition at the outline stage. I can't see any of the matters that are the subject of reserved matters approve could restrict the C 2 use other than the scale of the building. Naturally too high or out of character with the area then you could refuse reserved matters but that is an indirect control on numbers of beds as refusal must strictly be on the grounds of design and appearance*". The design of the care home building will be assessed later in this committee report, but regardless of that assessment, the current consideration of land use is made standalone and unaffected by design considerations.
- 5.2.14 Offers acknowledge that a reserved matters application is limited to the detailed design of those reserved matters only – in this case that is appearance, landscaping, layout, and scale. Objecting to, or limiting the number of beds within the C2 use would be introducing substantive limitations which were not imposed on the outline permission
- 5.2.15 The LPA also has no way of controlling the general scale of the care home use by condition. Paragraph 025 of the Use of Planning Conditions PPG states:
- "The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted."*
- 5.2.16 Notwithstanding the above considerations, Essex County Council (ECC) Adult Social Care (ASC) have commented on the current application, stating that the scale of the proposal is in excess of the existing need for dementia care home beds and may impact on the viability of the proposal or existing care homes to operate. This notes a

c. 20 per cent occupancy rate in local care homes. ECC ASC have provided a condition that they request be placed on the permission if granted.

5.2.17 The applicant has done an assessment within a 3-mile catchment radius and found that there is no sufficient existing need, in line with the ECC position.

5.2.18 While there may not be sufficient need at present, officers note the position in terms of revisiting the principle of development and the recently published Local Housing Needs Assessment (LHNA) (2025), which identifies a nursing care net need of 91 by 2034 and 148 beds by 2044. The proposal would be set to fill the identified future need. Paragraph 8.3.8 of the LHNA states:

*“It is noted that a negative need in modelling results does not necessarily imply that there is no need for new-build provision. There may be some existing stock which has become outdated and requires replacement or remodelling (such as studio or 1-bed sheltered units, and residential care bedspaces without en-suite facilities). The ESSHANA notes that some current non-ensuite room beds may be taken out of the market as some care home operators, typically smaller ones, exit the market over the next 10-15 years.”*

5.2.19 The Lovett Care letter (from the proposed operator of the care home) notes that they have undertaken an analysis of local facilities in a three-mile catchment area, noting that only one offers wet-room facilities and only 145 en-suite rooms are built. Further, the homes are largely built prior to 1990 and therefore lack modern design to help assist dementia patient management. They have highlighted in relation to the 20 per cent vacancy rate noted by ECC ASC, that this is likely due to a large amount of the existing stock failing to meet the expectations of families or the clinical requirements of high-dependency residents.

5.2.20 Taking into account the scope of considerations which the decision maker is permitted to consider under this reserved matters application and noting the lack of any restrictions on the supported land uses within this phase, officers advise that the care home use cannot be resisted on the Site and is an acceptable use of the Local Centre. Notwithstanding this, officers still conclude that the Local Centre would provide a varied and good quality provision of commercial units while providing care home beds for a much-needed future shortfall.

5.2.21 Officers have had regard to the Appeals PPG, which states in Paragraph 049:

*“What type of behaviour may give rise to a substantive award against a local planning authority?... refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage”*

#### Quality of Proposed Care Home Facilities

5.2.22 The supporting letter written by Lovett Care states that:

*“The proposed Maldon home will deliver residential care, nursing care, dementia care, complex dementia care, respite and palliative care. The building has been designed to contemporary best-practice standards, including dementia-friendly principles consistent with EADDAT guidance and ASC expectations.*

*All 78 bedrooms are en-suite wet-rooms and designed to support both clinical and accessibility requirements. Specialist communities within the home will allow residents with differing levels of need—particularly those requiring nursing or behavioural support—to be cared for safely and appropriately.*

*Communal facilities include lounges, dining rooms, activity spaces, a hair salon, café and secure landscaped gardens, all designed to promote wellbeing, independence and meaningful engagement.”*

5.2.23 The submitted plans show that the layout would provide sufficient space and natural light to bedrooms, while corridors and elevators allow for good accessibility around the building. Ample communal space is also provided. The proposal is considered to provide good quality of care home facilities.

### **5.3 Layout, Design and Landscape / Townscape Impact**

#### Policy and Constraints from the Outline Consent

- 5.3.1 Appearance, layout and scale were all reserved matters and must therefore be considered in their entirety within the current application. The Outline Consent dictated the general principles through the approved Design Code SPD and multiple conditions.
- 5.3.2 Condition 6 of the Outline Consent required compliance with the approved parameter plans in relation to land use, building height, residential density, green infrastructure and movement and access.
- 5.3.3 Design Codes were secured under Condition 8. The design code is contained within the subsequently published South Maldon Garden Suburb Strategic Design Code SPD (the “Design Code”). The Site is within the Garden Suburb North character area within the design code SPD. The core objectives of this area are bringing the physical qualities of the wider garden suburb into this northern area to reflect its proximity with Maldon Centre, in an urban character; and providing gateways into the garden suburb which includes public realm and key buildings to signify arrival in the garden suburb.
- 5.3.4 The Design Code also classifies various built edges. The western portion of the current Site’s boundary onto Limebrooke Way is classed as built edge BE01: Limebrook Way Adjacent to Local Centre. The code states the core functions as:
- Define the importance of frontage to existing routes, public and private space.
  - To provide pedestrian access along the site.
  - To provide perimeter blocks and active development frontage between the development and existing site edges and roads.
- 5.3.5 Design direction is also provided through the MDDG, which provides general guidance but can be applied to this application.

#### Layout and Scale

- 5.3.6 The “urban form” of this Design Code character area relates largely to residential development; however, does note that it should be structured around strong natural features and the adjacent road network.
- 5.3.7 The layout of the Site is largely dictated by the Site’s constraints. In particular, the vehicle access points (which were approved under the Outline Consent and other reserved matters approvals), the need for frontage onto Limebrook Way and the avoidance of the Lime Brook running through the Site, which has a 5m standoff on all sides as well as a restriction of a single vehicle crossing point over the Lime Brook within this development parcel.

- 5.3.8 The general layout fits well within the wider garden suburb, with streets and building lines aligning with the wider site which has been constructed.
- 5.3.9 The proposed retail units would be sized and sited in a manner which allows for sufficient internal space but also allows the commercial phases to be permeable to pedestrians, presenting many routes through or into the Local Centre and avoiding large blank elevations. The single storey scale also complies with the Design Codes BE01 criterion to use building height to “create a human scale of development whilst providing appropriate levels of enclosure in keeping with surrounding urban form”. The proposed 2-5m set back from Limebrook Way also accords with the design criteria.
- 5.3.10 The care home would be well placed within its plot, towards the south and set back from the boundary with Limebrook Way and Lancaster Avenue, allowing smaller buildings and landscaping to provide open buffers on these important public routes. The horseshoe shape of the building is common for care homes and provides good design qualities in defensible space for residents while maintaining good levels of fenestration to internal rooms. Officers acknowledge that the proposed three-storey height of the care home presents a larger built form than some of the residential development parcels; however, the principle of three-storey height was established through the building heights parameter plan and there are three-storey flats (approved and built as part of the garden suburb) of a similar massing directly adjacent to the east of the Site.
- 5.3.11 The layout and scale complies with the constraints of the Outline Permission and would create an accessible and welcoming environment for residents to use and enjoy. Officers are supportive of the proposed layout and scale reserved matters.

#### Architectural Appearance

- 5.3.12 The Design Code dictates a use of varied building materials which predominantly include render, brick and timber.
- 5.3.13 Six commercial units of varying layouts are proposed. In the northwest of the Site, four units (in three buildings) would be located near the boundary onto Limebrook Way. The design was amended to push the units out onto the public realm, with footpaths punching through the soft landscaping four locations onto Limebrook Way / Lancaster Avenue (in addition to an access path onto PRow 8, which runs north-south down the western boundary of the Site). The soft buffer between the units and Limebrook Way would utilise a hedgerow, low-level timber fence and dispersed tree planting, allowing for intervisibility while still creating a formal but attractive boundary. The amended design also pushes the car parking, access and turning areas centrally within the Site rather than having large areas of hardstanding onto the public realm as originally proposed.
- 5.3.14 The eastern parcel contains Unit 6 (the biggest of the commercial units) behind a soft landscaping buffer onto the east-west public footpath providing access to the other areas of the garden suburb’s eastern parcel. The two retail units were separated in the amended design, to reduce the length of the north-facing wall. Retail Unit 5 was altered to provide the glazed frontage northwards, thereby creating natural surveillance and visual interest onto that area of the Site.
- 5.3.15 The six commercial units would be of the same design – single storey with a mono-slope roof, using red bricks and timber cladding on the external elevations. Glazing would be floor to ceiling, with dark frames to match the wider design. This approach

would provide a modern, attractive local centre which clearly reads as commercial use, signposting the use of the units to the public, and provides an open and inviting location for the public to access the onsite facilities. Elevations would be given interest through the use of different brick shades, brick courses and through recessed areas to provide articulation and interest in addition to the varied palette of materials. The plans have indicative locations for advertising fascia – this will require advertisement consent approval and is not considered in the current application.

- 5.3.16 The proposed care home would be three storeys in height, which complies with the building heights parameter plan, in a crescent shape located in the southwest part of the Site. The treatment of the building's frontages accords with the MDDG's emphasis on creating active and engaging elevations. The proposal provides strong frontage definition, frequent and well-sized window openings and clearly identifiable entrances which create a sense of place within the Local Centre and provide directional cues to pedestrians.
- 5.3.17 The larger unit secured as retail use in the northeast would have a large elevation onto the public footpath to the north, which connect the Local Centre to the wider strategic site via the main northern access. The applicant has agreed to a condition to secure public art on this elevation, to improve the visual aspect.
- 5.3.18 Officers acknowledge that there is a significant amount of hardstanding on the Site; however, this is partially due to the constraints as well as the need to provide sufficient parking to the various uses. The impact would be offset with the high level of soft landscaping and the active ground floor frontages, which collectively create a positive relationship with surrounding streets and spaces both within the South Maldon Garden Suburb site and onto existing public realm.
- 5.3.19 The proposed materials would be of high quality, complementing the good design and reflecting the material palette within the Design Code. Officers are satisfied that the architectural design of the proposed buildings, as part of the reserved matter of appearance, is acceptable. A condition is recommended to secure compliance with the proposed materials.

#### Boundary Treatment

- 5.3.20 The submission is supported by a boundary treatment plan. The design code provides minimal direction on this Site, relating largely to residential properties within this character area. The scheme would utilise the following boundary treatments:
- Phase A (western Limebrook Way site) utilises a 450mm timber knee rail on the onto Lancaster Avenue and a short run of timber acoustic fencing of 4m high is provided to the east of the service yard to protect the residential amenity of the adjacent residential development. The plant equipment is enclosed with a 1.8m hit and miss timber fence.
  - Phase C in the east would have a 450mm timber knee rail on the boundaries and 1.8m timber boarded fences surrounding the service elements.
  - Phase B (care home) would have a 1.2m high metal estate fence is proposed to the eastern boundary fronting onto Lancaster Avenue and the access road to the south. The care home garden would be bounded by a 1.8m close boarded timber fence and a 1.2m high hoop top fence is provided to the northern boundary with the Lime Brook.
- 5.3.21 The boundary treatments are considered acceptable. The timber knee rails have been implemented and it can be seen how open it retains the Site, which is good. Where taller elements are proposed, they are justified – acoustic fencing to mitigate

noise and higher fences to screen the visually unappealing servicing elements or provide security to vulnerable persons in the care home.

#### Layout, Design and Landscape / Townscape Impact Summary

5.3.22 Overall, when considered in the framework of the Design Code, Local Plan and the parameters of the outline permission, officers are satisfied that the layout, scale and appearance of the proposed reserved matters would provide a development that is visually attractive, sympathetic to local character and well-detailed. The design encourages activity and visual interest at street level, reinforcing the Local Centre objective of creating attractive, well-defined public environments.

### **5.4 Landscaping**

5.4.1 Landscaping was a reserved matter on the Outline Permission and must be considered within this reserved matters application. Condition 44 of the Outline Permission required landscaping details, to substantially accord with those in the original Design and Access Statement and those within the Design Code secured by Condition 8. The Design Code expects formal wide tree-lined avenues with landscape strips to establish the character of the area, in addition to areas of formal ornamental planting to reflect the more urban character of this area.

5.4.2 The South Maldon Garden Suburb Strategic Design Code SPD (the Design Code) did not provide a large amount of site-specific guidance for the Local Centre phase, which is included within the 'Garden Suburb North' character area. Much of the guidance relates to residential development, but the planting strategy does require:

*"Formal wide tree lined avenues - single species of trees. (Acer Platanoides 'Emerald Queen', Tilia 'Brabant' or Tilia Cordata) are some recommendations, with landscape strips to establish the character of this area.*

*Areas of formal ornamental planting to reflect the more urban character of this area. Respects and enhances existing natural features, meadows, wildlife areas and water features."*

5.4.3 The Local Centre does not have any wide street avenues, but the gap on Lancaster Avenue, the main access road into the Eastern Parcel, is a very important area of the wider development. The proposal was amended multiple times in consultation with planning officers in order to improve the landscaping of the Site. This resulted in pushing back and reorientating the commercial units in the northwest, to provide frontage and landscaping onto the street scene and increasing greening within the Site. The amended design also established tree-lined edges onto the main access.

5.4.4 The northern edge (fronting onto Limebrook Way) is the most prominent area of the Site. As previously stated, the proposal complies with the Design Code's 2-5m landscape strip, although BE01 acknowledges the adjacent public realm will vary.

5.4.5 Officers consider the proposed landscaping to be high quality, meeting the needs of this gateway phase of the strategic site and providing an appealing setting for residents to use in the Local Centre. The proposed landscaping is acceptable in terms of the submission of reserved matters and complies with LDP Policies D1, N2, N3 and H4.

## 5.5 Heritage Impact

- 5.5.1 The nearest designated heritage assets to the Site are the grade II listed Brookhead Farmhouse (c. 700m to the west and separated by the entire western parcel of the garden suburb) and the grade II listed Seeley House Farmhouse (c. 760m to the north east, separated by the residential development of the western parcel and parts of south Maldon).
- 5.5.2 The heritage impact was considered at outline stage, informing the constraints of the approved parameter plans which the current proposal falls within. Officers have again considered impact and note the significant amount of intervening distance and existing development, concluding that there would be no impact on the setting or significance of any designated or non-designated heritage asset.
- 5.5.3 The current proposal does not deviate from the potential built area that was considered within the Outline Permission. Condition 68 of that permission prohibits any development prior to archaeological work being carried out in accordance with the details approved in discharged of conditions notice 18/05078/DET (for the eastern parcel). An ECC historic environment consultant has commented on this proposal, noting that the archaeological fieldwork for the development area has been completed and the report submitted and approved.
- 5.5.4 The proposal would not unacceptably impact the special interest or setting of any heritage assets.

## 5.6 Impact on Residential Amenity

- 5.6.1 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.
- 5.6.2 The Local Centre is located away from residential areas except the eastern parcel, which adjoins existing three-storey flats which were built as part of the garden suburb approval. The north adjoins a main road, Limebrook Way, the west adjoins the 'green spine' of the garden suburb which has no sensitive receptors and the south adjoins the school plot.

### Privacy and Overlooking

- 5.6.3 The MDDG states that "*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*".
- 5.6.4 While the development would not be located near any rear gardens, officers note that the nearest proposed building would be located c. 17.5m from the three-storey flats to the east. The unit only has ground floor windows and there are no windows on the eastern elevation. There would be no overlooking.
- 5.6.5 The proposed care home would have windows across three storeys; however, it's nearest elevation would be located c. 110m from the nearest residential property. There is a school to the south; however, neither the school nor the proposed commercial buildings are considered sensitive receptors to overlooking, particularly noting the distance to the former.

### Daylight, Sunlight, Outlook and Visual Impact

- 5.6.6 The Building Research Establishment document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' is an industry standard document which provides guidance on daylight, sunlight and overshadowing matters for development. The guidance suggests that if a 25-degree (above level) line drawn from the midpoint of an existing window would not be intercepted by proposed development, it is unlikely that there would be any noticeable impact on the existing building's level of daylight or sunlight. The proposal would comply with this rule.
- 5.6.7 Commercial units 1-5 would be sufficiently distanced from the nearest residential properties to relieve any concerns of impact. Commercial unit 6 is proposed to be c. 17.5m from the nearest residential three-storey flats, but the proposed unit is moderate in height and sufficiently distanced, at an oblique angle, to mitigate any potential impact on outlook. Officers also note the east-west relationship that Unit 6 would have with flatted block, which further negates potential for any impact on the arc of the Sun.

#### Noise

- 5.6.8 In relation to the operational phase, the proposed care home is not considered to be a substantial noise-generating use; however, the six commercial units do have the potential to generate significant levels of noise. The flexible use of commercial units within the Local Centre was considered in the Outline Permission, which regulated potential noise by imposing the following conditions:
- Condition 31 controls the timing of deliveries. It covered all the permitted commercial uses for the flexible use units (ie not including the care home) and restricted deliveries to between 07:30-19:00 Monday to Saturdays, and at no time on Sundays or Bank Holidays.
  - Opening times for commercial uses within the Local Centre to within 07:00 to 23:00 Monday to Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.
  - Condition 34 prohibits any amplified sound in any units within the commercial uses.
- 5.6.9 In addition to this, the application is supported by an updated Noise Impact Assessment which has been reviewed and supported by an Environmental Health Officer. This addresses the requirements of Outline Permission Condition 72, which requires that ambient noise levels do not exceed acceptable levels.
- 5.6.10 Subject to the above conditions, officers are satisfied that there would be no unacceptable noise or disturbance.

#### Light Spill

- 5.6.11 The objection relating to light spill is noted; however, it relates to public street lighting. The proposed lighting would be contained largely within the Site. The submitted lux contour plans show that the light spill would also be kept largely within the Site, but almost entirely away from any sensitive receptors. There would be a small amount of light spill at c. 2 lux near the residential flats to the east, but this level would not be noticeable even at night-time. Officers are satisfied that there would be no unacceptable light pollution.

#### Odour and Air Quality

- 5.6.12 The care home is sufficiently distanced to not create concerns of odour impact. The six commercial units are flexible and have multiple potential uses which includes uses that have the potential to result in odour or fumes. Condition 33 of the Outline Permission requires the submission of “*details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant*”. The details are not required as part of this reserved matters application but prior to the development of a commercial unit within the Local Centre. Officers have no concerns that there would be any unacceptable impacts of odour or pollution.
- 5.6.13 The Construction Management Plan condition on the Outline Permission would control any impacts arising from the construction period.
- 5.6.14 Outline Permission Condition 71 requires details relating to mitigation and offsetting of impacts on local air quality. The applicant has submitted an Air Quality Assessment (AQA) which considered impacts on NO<sub>2</sub> and particulate matters PM<sub>10</sub> and PM<sub>2.5</sub>. The document concludes that all three would be below objective levels and the impacts of the proposal would be negligible and would not cause a significant adverse effect on air quality. In relation to construction, it identifies that mitigation measures should be put in place for air quality impacts – these are secured by the relevant conditions on the Outline Permission. The AQA has also been reviewed by the Council’s environmental health team, who have no objection.

#### Impact on Residential Amenity Summary

- 5.6.15 Subject to the conditions on the Outline Permission and the conditions recommended in the above section, officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling or sensitive receptor. This complies with the requirements of LDP Policy D1.

### **5.7 Transport And Accessibility**

- 5.7.1 While the means of accessibility were permitted at outline, the layout of the Site (including the onsite roads and parking places) must be assessed under the reserved matters, which included layout.
- 5.7.2 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council’s adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.7.3 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

#### Details of the Outline Permission

- 5.7.4 The construction period highways impact was considered in the discharge of Condition 81 under ref 19/05020/DET, which secured the submission and compliance of a Construction Environmental Management Plan.
- 5.7.5 A PRoW Maldon Footpath 8 was redirected as part of the Outline Permission to run north-south, adjacent to the western Site boundary. There would be no unacceptable

impact on the operation of the PRoW – the visual amenity of users would be protected (as discussed in other sections of this report) and a connection point provided onto the northwest commercial area.

### Onsite Access

- 5.7.6 As previously stated, the Site has a constrained layout. This affects the potential onsite routes. A road through the western area is required, due to servicing and parking requirements in the northern area (as a connection is not possible to Limebrook Way) which must enter from the southern area. The proposal would have good access to all three sub-phases and the submitted Transport Statement contains swept path analysis showing that a 12m rigid vehicle can safely access and egress each parking/servicing area in first gear.
- 5.7.7 The Highways Authority (ECC) have commented on the proposal, stating that they are supportive subject to two conditions requiring access points and vehicle turning and parking areas to be implemented prior to use, which have been added to the recommendation.

### Car Parking

- 5.7.8 Outline Permission Condition 65 required details of all vehicle parking, including five per cent being reserved for people with disabilities, and secures the parking being laid out and made available before any dwelling/building is occupied or used.
- 5.7.9 The Vehicle Parking Standards SPD (2018) requires different levels of parking for different land uses. The six proposed commercial units are flexible use within a mix of commercial uses.
- 5.7.10 Officers have considered the SPD requirement of 0 restaurant parking (called A3/A4 within the SPD) in town centres, compared to a very high requirement of one space per 5sqm for out-of-town centre locations. The Local Centre is an irregular case, given that it is effectively providing a new town-centre location to the garden suburb. It is of comparable size to some town centres outside of Maldon Town within the plan area. The Local Centre would be within a ten minute walk from the vast majority of dwellings within the Eastern Parcel of the garden suburb, in addition to a ten minute walk for a large number of existing dwellings on the northern side of Limebrook Way. The intention of it being a walkable facility was noted at Outline Stage. The use of the out-of-town one space/5sqm parking rate within the SPD would result in over 200 spaces being required between the two commercial sub-phases, which is unreasonable and unachievable on the Site. Taking the location, nature and walkable nature of the Local Centre, officers have adopted a one space/20sqm parking requirement. This blended rate is considered more than reasonable, especially considering that many of the approved uses require significantly under half of the one space/20sqm requirement or none at all.
- 5.7.11 The parking is further complicated by the inclusion of land uses within the flexible use of the Site which base parking requirements on site-specific details such as the number of staff or visitors. These cannot be calculated on the submitted information and it would not be reasonable to require the applicant to explore detailed internal layouts for each commercial unit in each land use. As such, the applicant has agreed to a planning condition which requires the submission of a parking management plan, should any unit be brought into use classes E(f), F1, F1a, F1b, F1c, F1d, F1e, F1f, F1g, Ed, F2c, F2d. While the parking layout would be approved, the Parking Management Plan would provide an assessment on whether the scale of unit

proposed can be supported by the approved parking and introduce measures to mitigate potential capacity issues.

5.7.12 The below table contains the ranges of required parking spaces – providing upper and lower limits depending on the variation of land uses where flexible uses are permitted under the Outline Permission with reference to the adopted rates in this report and noting that some uses would be subject to a Parking Management Plan.

Area	Required	Proposed
Care Home	39	37 (2)
Northern Retail Area (Units 1-4)	26	29 (2)
Eastern Retail Area (Units 5&6)	25	26(3)
<b>TOTAL</b>	<b>90 (5)</b>	<b>92 (7)</b>

**Table 2** - Car Parking Spaces (accessible spaces shown in brackets)

5.7.13 The submitted Transport Statement advises that there would be no resident staff, 25 other staff and 78 beds within the care home, resulting in a requirement of 39 car parking spaces. The proposal contains 37 spaces. A parking assessment has been undertaken using the TRICS database for similar development. TRICS is an industry standard trip generation model. The assessment projects a peak number of onsite vehicles associated with the care home of 17 midweek and 20 on a Saturday. This falls significantly below the 31 spaces proposed. In addition, the applicant has stated that the three phases will in many ways work as one, with overspill parking in one area being able to provide for another – the three phases of the local centre Site are considered to sufficiently accommodate the calculated requirement. It should also be noted that many vehicle trips to the Site will be multi-use, such as a visitor to the care home while visiting one of the commercial units beforehand. Phases B and C would overprovide car parking even when considering a worst-case scenario of land use requirements. The total number of parking spaces on the Site phase exceed the required taking into account officers' calculations. Noting this and all other considerations relating to the flexible use and submitted modelling, officers are satisfied that adequate car parking has been provided.

#### Cycle Parking

5.7.14 Outline Permission Condition 66 required details of cycle parking facilities.

5.7.15 The proposal complies with the Vehicle Parking Standards SPD as shown below:

Area	Required	Proposed
LC Phase A Eastern Retail Area (Units 5&6)	7 to 19	10
LC Phase B Care Home (78 beds)	21	28
LC Phase C Northern Retail Area (Units 1-4)	8 to 21	24
<b>TOTAL</b>	<b>36 to 61</b>	<b>62</b>

**Table 3** - Cycle Parking Spaces

5.7.16 As above, the applicant states that cycle parking across the three phases will in many ways work as one, with overspill in one area being able to provide for another and multi-use trips accommodating different phases. Phase A would underprovide; however, it is noted that the Site as a whole would overprovide. Further, the

maximum requirement is calculated by assuming a high number of restaurant uses, which have a particularly high requirement. Cycle parking has the same stipulation as car parking for that land use, where no parking is required for units below 500sqm within town and district centres. As discussed in relation to car parking, the nature of the Site falls somewhere in between and therefore the “maximum” cycle requirements are not considered to be representative of the situation. Irrespective, the scheme would have an overall overprovision of cycle parking, which encourages sustainable travel and complies with Local Plan Policy D1.

5.7.17 All proposed units would have acceptable cycle parking storage.

#### Transport and Accessibility Summary

5.7.18 The impact of the proposal on the transport network was approved in the Outline Permission. While the number of beds within the care home was not explicitly controlled, caselaw has shown that transport impact cannot be used to control the scale of a use at reserved matters stage.

5.7.19 The current application has demonstrated an acceptable level of internal accessibility, including servicing access, and parking for vehicles and bicycles. The proposal would have an acceptable impact on transport and accessibility, in accordance with Local Plan Policies T1 and T2.

### **5.8 Flood Risk and Drainage**

5.8.1 Policy D5 of the LDP sets out the Council’s approach to minimising flood risk. Policy S1 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.

5.8.2 Conditions 60, 62 and 63 are being discharged as part of this reserved matters application. The applicant submitted additional technical information following initial concerns from the LLFA in relation to attenuation tank drainage, which has allowed the LLFA to support the proposal.

### **5.9 Biodiversity and Ecology**

5.9.1 Paragraph 170 of the NPPF states that *“planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity”*.

5.9.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.

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

## European Protected Sites

- 5.9.4 The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones Of Influence' (Zoi) of these sites cover the whole of the Maldon District.
- 5.9.5 The Site falls within the evidenced recreational Zoi. The Essex Coast RAMS Habitats Regulations Assessment Strategy document is an adopted SPD which sets out the approach to mitigation. The document sets out planning use classes which are covered by the Essex Coast RAMS in Table 3.2, which includes C2. The table does however note in relation to residential care mes that "*care homes will be considered on a case-by-case basis according to the type of residential care envisaged*". The SPD further elaborates on this point in Paragraph 3.10, stating:
- "As included above, C2 Residential Institutions and C2A Secure Residential Institutions are notionally included within the scope of the RAMS and tariff payments. This is due to an increase in population that would arise from any such developments, in the same vein as any other new residential development. It is proposed however that consideration as to whether such developments qualify for the full extent of tariff payments should be done on a case-by-case basis. This is because some C2 and C2A proposals may provide a specific type of accommodation that would not result in new residents visiting the coast."*
- 5.9.6 The application is reserved matters and this was considered in the Outline Permission; however, officers note findings of the Supreme Court case C.G. Fry & Son Limited v SoS & Somerset Council UKSC 35, which established that these matters can be reconsidered at reserved matters stage if there are significant material changes at reserved matters stage which could potentially impact on protected sites. The current proposal clarifies that a care home would be provided within the range of supported flexible uses in the Local Centre. The proposed care home would be predominantly providing dementia and palliative care; however, the applicant has stated that there may be a smaller element of normal care provision, which may introduce residents who are more able than the majority. Therefore, the applicant has agreed to pay a RAMS contribution of £5,793.15 (secured through a Unilateral Undertaking which the applicant has submitted to the Council's legal services), which equates to all units within the care home, to ensure that there is no possibility of the statutory duty not being met.
- 5.9.7 To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? **Yes – The proposal is for a net increase of care home units, which can be equated to relevant C3 residential dwellings**

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

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

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

#### Summary of Appropriate Assessment

- 5.9.8 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures to mitigate any adverse effects on the protected sites through increased recreational use resulting from the proposed development, through payments of a RAMS contribution.
- 5.9.9 The RAMS contribution was calculated in line with NE guidance, whereby the total number of 78 rooms is divided by 2.4 (to make it C3 equivalent), rounded up to 33 C3 units and then multiplied by the £175.55 current RAMS fee (which is indexed and therefore may be subject to change).

#### Biodiversity Net Gain (BNG)

- 5.9.10 All major development proposals submitted as of 12/02/2024 are required to deliver a mandatory 10 per cent Biodiversity Net Gain (BNG). The BNG Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process. Permissions granted for applications made before 12/02/2024 are not subject to the mandatory 10 per cent BNG.
- 5.9.11 The Outline Permission was made on prior to 12/02/2024 and the mandatory BNG therefore does not apply.

#### Protected Species, Habitats

- 5.9.12 Outline Permission Condition 70 requires the submission of an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Outline Permission's Ecological Conservation Management Plan. Place Spaces Ecology have advised that they did not request that condition, but that upon review, the submitted Ecological Assessment and Management Plan Statement for the Commercial Plots Rev.E (SES, May 2025) does provide sufficient information for the commercial Phases A and C.
- 5.9.13 The Environment Agency have reviewed the application and responded with no objection but request an informative advising the applicant of potential requirement of a Flood Risk Activity Permit. This falls outside planning legislation.
- 5.9.14 Outline Permission Condition 78 requires that a lighting strategy be submitted with any reserved matters application. This submission is supported by a strategy which has been supported by ecology.

#### Trees and Hedgerows

- 5.9.15 There are no onsite trees or hedgerows subject to Tree Preservation Orders (TPOs) or protected through virtue of being within a conservation area.
- 5.9.16 Outline Permission Condition 45 required details of proposed tree works and tree protections methods to be submitted as part of any reserved matters application. The Council's arboricultural team have reviewed the Site and the submission, stating that they have no objection and concluding that "*there appear to be no significant*

*arboricultural features within the influencing distance of the proposed development. However, mature trees located off-site may be impacted by development activity if appropriate tree protection is not installed and maintained in accordance with BS 5837”.*

- 5.9.17 The arboricultural team have requested that if this reserved matters application is approved, a condition be placed on the permission securing details of fencing and ground protection in relation to hedges and shrubs that are being retained. This has been included within the recommendation in this committee report.
- 5.9.18 The longevity of tree planting is protected by Outline Permission Condition 46, which requires that any tree or plants in the landscaping scheme which die within five-years of planted must be replanted.

#### Biodiversity and Ecology Summary

- 5.9.19 Subject to the conditions and planning obligations secured on the Outline Permission, or those recommended within this report, the details within the submitted reserved matters would not have an unacceptable impact on any ecology, in accordance with Policy N2 of the Local Plan.

### **5.10 Waste Management**

- 5.10.1 Outline Permission Condition 32 requires details of the means of commercial refuse/recycling storage, including details of any bin stores to be provided prior to the development of any commercial units within the supported flexible uses.

### **5.11 Energy and Sustainability**

- 5.11.1 Condition 80 of the Outline Permission requires the submission of a renewable energy statement to include total predicted carbon emissions to be reduced through the implementation of on-site renewable energy sources.
- 5.11.2 This reserved matters application is supported by an Energy Statement produced by EPS Group. The statement advises that Air Source Heat Pumps across all three sub-phases and 100sqm of photovoltaic panels will be utilised on the care home. This would achieve a 14.66% reduction in CO2 emissions above Building Regulations Approved Document L requirements, which is welcomed. The Outline Permission did not state a specific level to be attained, nor a requirement for Building Research Establishment Environmental Assessment Method or other accreditation. Noting the scale of the Site and proposed sustainable measures, officers are satisfied that the development would acceptability employ sustainable measures and therefore the requirements of Condition 80 have been met.

### **5.12 Land Contamination**

- 5.12.1 Matters relating to land contamination have been addressed through Condition 74 of the Outline Permission, which was discharged in relation to the Eastern Parcel within discharge of condition reference 18/05078/DET. The current proposal would be required to be carried out in accordance with the approved contamination land assessment.

### **5.13 Crime and Safety**

- 5.13.1 NPPF Paragraph 96b states that *“planning policies and decisions should aim to achieve healthy, inclusive and safe places which...are safe and accessible, so that*

*crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas”.*

5.13.2 The layout of the proposed commercial units and care home would provide a high amount of glazing at ground floor level, located on elevations facing many different directions, thereby providing a high level of overlooking and natural surveillance into the Site and onto adjoining land. This benefit would be greatly felt on Limebrook Way, which has no existing overlooking.

5.13.3 The proposed layout includes multiple areas of public space, designed to encourage residents to use. This does give way to potential for anti-social behaviour or crime. Officers do not consider the location or height of planting on the submitted landscaping to create any areas of limited visibility or dark spots that encourage crime or antisocial behaviour. The layout lends itself to openness and safety, providing natural surveillance from commercial units and noting that commercial units will be installing their own safety measures. Taking this into account, officers are satisfied the proposal would create a safe environment and would not encourage crime.

#### **5.14 Planning Balance and Conclusion**

5.14.1 The key priority 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.

5.14.2 Condition 1 of the Outline Permission requires the submission of the reserved matters with any reserved matters application. These are:

- Appearance
- Landscaping
- Layout
- Scale

5.14.3 In addition to the above reserved matters, this submission also seeks to discharge the following conditions on the Outline Permission which were triggered to be discharged concurrently with the reserved matters submission:

- 1 – Reserved Matters Details
- 23 – Onsite Access Arrangements
- 28 – Size and Distribution of Commercial Units
- 44 – Landscaping Scheme
- 57 – Boundary Treatment
- 60 – Hydraulic Flood Modelling
- 62 – Updated Flood Risk Assessment
- 64 – Foul Water Drainage
- 65 – Car Parking
- 66 – Cycle Storage
- 70 – Ecological Conservation Management Plan Statement
- 71 – Air Quality
- 72 – Noise Assessment
- 78 – Lighting Strategy
- 80 – Renewable Energy

- 82 – Recycling Facilities

5.14.4 Officers are satisfied that the submitted plans, documents and other details have successfully met the Outline Permission's requirements for this submission of reserved matters to be supported. The proposal also complies with the constraints laid out by the approved Design Code and the site-specific Design and Access Statement where relevant to this phase.

5.14.5 The proposed details of the Local Centre would create a vibrant and accessible location for residents of the South Maldon Garden Suburb while providing additional care home beds within the district. While the number of beds provided is higher than the projections of the LHNA, officers have had regard to the lack of a restriction on the Outline Permission and also note that the LHNA provides a base guide rather than an upper limit.

5.14.6 Officers conclude that the proposal is of a good design quality and complies with the relevant policies of the development plan. Subject to the conditions recommended in this report, the securing of the RAMS payment, and the conditions/planning obligations in the Outline Permission, officers recommend approval of this reserved matters application and the discharge of the conditions listed earlier in this section of the committee report.

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

6.1 The relevant planning history is set out below

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
14/01103/OUT	Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure	Approved, following completion of a Section 106 Agreement, 01.12.2016.
16/01454/FUL	Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.

Application Number	Description	Decision
16/01458/FUL	Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved 16.02.2017
17/00396/FUL	Variation of condition 27 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
18/00070/FUL	Variation of condition 7 on approved application 17/00396/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved 13.04.2018.
18/00071/FUL	Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years	Approved 13.04.2018

Application Number	Description	Decision
	and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	
19/00101/MLA	Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL	Deed of Variation completed.
19/01093/FUL	Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.	Approved 04.02.2020
19/01097/RES	Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission 18/00071/FUL (Variation of conditions 5,13,21,25,43,53,55, 61,63,67,68,69,74,81,84 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.	Approved 19.03.2020
19/01134/FUL	Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and	Approved 27.03.2020

Application Number	Description	Decision
	SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	
20/00074/FUL	Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	Approved 19.06.2020
20/00294/FUL	Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.)	Approved 09.06.2020
20/00697/FUL	Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the	Approved 07.10.2020

Application Number	Description	Decision
	existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.)	
20/05037/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 15 - specification and design of junction for Access 4. Condition 18 - Phased provision of a new passenger transport service.	Approved 11.11.2020
20/05045/DET	Compliance with conditions notification for application 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 12 - Junction for access works. Condition 13 -	Approved 07.07.2020

Application Number	Description	Decision
	Specification and design for the access works.	
20/05070/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 17 - Provision of a bus layby and stop on A414 [Phase 1 of the Western Parcel]	Approved 21.10.2020
20/05071/DET	Compliance with conditions notification 22/00393/VARM (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 21 - Public footway diversion. [Western Parcel]	Approved 22.12.2022
20/05072/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access	Approved 20.08.2020

Application Number	Description	Decision
	Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 56 - Materials [Phase 1 of Western Parcel]	
20/05133/DET	Compliance with conditions notification FUL/MAL/20/00074 (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 10. Speed review strategy [Eastern Parcel]	23.12.2020
21/00889/RES	Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,	Approved 28.01.2022

Application Number	Description	Decision
	68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking.	
21/05046/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 50 - Playing field provision.	16.05.2022
21/05068/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8	Approved 22.07.2021

Application Number	Description	Decision
	uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 24 - Travel Information Pack - Western Parcel	
21/05076/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 10 - Speed review strategy.	Approved 30.06.2021
21/05086/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable	Approved 08.11.2021

Application Number	Description	Decision
	drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 22 - Upgrading public footpath.	
21/05110/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 56 - Samples of external surfaces (revised)	Approved 20.08.2021
21/05136/DET	Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 16 - Detail specification and design of the junction for access works. Condition 20 -	Approved 28.01.2021

Application Number	Description	Decision
21/05151/DET	<p>pedestrian and cycle crossing details.</p> <p>Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 56 - Materials. [Part of Phase 1 of Western Parcel]</p>	Approved 10.12.2021
22/00422/NMA	<p>Application for non-material amendment following grant of Planning Permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Amendment sought: amended wording of condition 7 (Strategic Phasing Plan)</p>	Approved 09.05.2022
22/00393/VARM	Variation of condition 35 (details of employment land) on approved planning	Approved 12.08.2022

Application Number	Description	Decision
	<p>permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))</p>	
22/05022/DET	<p>Compliance with condition notification 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 35 - Employment Land</p>	Refused 07.09.2023
23/05108/DET	<p>Compliance with conditions notification 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review</p>	Approved 30.08.2023

Application Number	Description	Decision
	<p>strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Condition 76 - Remediation of potential contamination. [Western Parcel]</p>	
24/05046/DET	<p>Compliance with conditions notification 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Conditions 35 - Employment Land</p>	Approved 15.05.2024
24/05167/DET	<p>Compliance with conditions notification 22/01256/RESM (Reserved matters application for the approval of appearance, landscaping, layout and scale of Phase 3 of</p>	Refused 02.12.2024

Application Number	Description	Decision
	<p>the Western Parcel (comprising 78 residential dwellings (Use Class C3), new public open space and car parking) of approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 5 - scheme of boundary treatment and landscaping, Condition 7 - communal amenity space details.</p>	
25/00165/NMA	<p>Application for non-material amendment following grant of Planning Permission 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports</p>	Granted 21.03.2025

Application Number	Description	Decision
	playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Amendment sought: Change the wording of condition 33.	
25/05067/DET	Compliance with conditions notification 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 28 - Details of distribution and and size of local centre units. Condition 32 - Commercial refuse and recycling storage. Condition 33 - Plant and Equipment. Condition 45 - Tree Protection. Condition 56 - External materials. Condition 70 - Ecological conservation management plan.	Pending consideration
25/00482/RESM	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application	Pending consideration

Application Number	Description	Decision
	OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Details of Local Centre.	
25/00483/VARM	Variation of conditions 30 and 31 on approved planning permission 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	Pending consideration
25/00483/VARM	Variation of conditions 30 and 31 on approved planning permission 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,	Approved 12.02.2026

Application Number	Description	Decision
	68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	
25/05152/DET	Compliance with conditions notification 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 45 - Replacement trees or plants. Condition 56 - Details or samples of all materials.	Approved 02.02.2026
26/00105/NMA	Application for non-material amendment following grant of Planning Permission 25/00483/VARM (Variation of conditions 30 and 31 on approved planning permission 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on	Pending Consideration

Application Number	Description	Decision
	approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Amendment sought: Wording on Conditions 60, 62, 64 in relation to amended triggers.	

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

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<u>17 June 2025</u> Support	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	<u>2 June 2025</u> No comments.	Noted
Archaeology	<u>2 June 2025</u> No Comments on the proposal.	Noted
Ecology (Place Services)	<u>10 July 2025</u> Object due to unsatisfactory impact on protected species sites and no RAMS mitigation for the care home.  <u>30 January 2026</u> For a care home providing support to dementia patients and palliative care, I do not consider these residents are likely to visit the coastal Habitats sites and therefore not likely to result in any recreational disturbance.	This matter is assessed in the Biodiversity and Ecology section of this committee report.
ECC Fire & Rescue	<u>30 May 2025</u>	Noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Service	Comments provided and noted that it will be assessed in more detail as part of building regulations.	
ECC Adult Social Care	<u>17 June 2025</u> Objection as there is no need for a care home of this size.  <u>22 December 2025</u> Objection as previous. Access and parking should be assessed, noting the reduction in parking spaces.	Noted and response provided in the Land Use and Car Parking sections of this committee report.
Environment Agency	<u>18 June 2025</u> No objection, informative requested.	Noted, informative added.
Highways Authority	<u>5 September 2025</u> No objection, subject to the following conditions (plus some informatives requested): <ul style="list-style-type: none"> <li>• Implementation of plot c access arrangements.</li> <li>• Parking, vehicle and cycle and turning areas implemented.</li> </ul>	Noted, conditions and informatives added
Lead Local Flood Authority (ECC)	<u>24 April 2026</u> No objection to the discharge of Conditions 60, 62 and 63 of application 14/01103/OUT.  <u>13 February 2026</u> Holding objection due to the modelled drainage rates of storage.	Noted.
Natural England	<u>11 June 2025</u> Objection due to a lack of mitigation for impact on European protected sites and the requirement for a circular pedestrian route around the Site.  <u>30 January 2026</u> A RAMS payment would not be required if the care home is for dementia and palliative care. This would require a condition to ensure there are no other bed types. Otherwise, a formula for Essex Coast RAMS should be calculated using the provided formula.	This matter is assessed in the Biodiversity and Ecology section of this committee report.

### 7.3 Internal Consultees (summarised)

<b>Internal Consultee Name</b>	<b>Comment</b>	<b>Officer Response</b>
Design Officer	<u>8 July 2025</u> Object. The uses in Parcels A and C are supported but the layout has to be	Revised plans were sought in response to these comments. The

	<p>revised to avoid frontage being dominated by car parking, acoustic fences and high close-boarded fencing adjacent to the Bridleway.</p> <p>I object to the scale of the Care Home C2 use within the local centre as it takes up too much land in the Local Centre. I acknowledge there is an element of C2 granted via OUT but equally C3, D1, D2, A1-A5 are also acknowledged that could carry a use as large as the C2 unit proposed (hotel, pub, restaurant, gym etc) that would integrate with the 'local centre' vision. The care home is likely to visually and functionally dominate but add nothing to the activity and vibrancy expected.</p>	<p>design officer is no longer at the council for re-consultation. The scale of the care home is discussed within the Land Use section of this committee report.</p>
Environmental Health	<p><u>17 June 2025</u></p> <p>I have reviewed the noise assessment, phase I and Phase II ground condition reports and air quality report. I have no objections or further comments.</p>	Noted
Tree Consultant - Place Services Arboriculture	<p><u>13 June 2025</u></p> <p>No objection, subject to a condition securing shrub/hedge protection fencing.</p>	Noted, condition added.

#### 7.4 Site Notice / Advertisement

- 7.4.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, a press notice was issued and site notices (3x) were displayed.
- 7.4.2 Following the submission of revised plans, the LPA re-advertised the application through a press notice issued and site notices being displayed on 12 November 2025 for a period of 14-days. The re-consultation period expired on 26 November 2025.

#### 7.5 Representations Received from Interested Parties

- 7.5.1 **One** letter has been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>My only comment would be regarding light pollution in the direction of our property. The new roundabout lights have massively affected the light levels within our house at night. This was never an issue with the previous sodium lights prior to development.</li> </ul>	<p>This comment relates to public street lights, which are not proposed in the current application. Private lighting is proposed and the submitted light spill plans demonstrate that there would be no unacceptable impact. This is discussed in the Residential Amenity section of this committee report.</p>
<b>Procedure</b>	

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>Planning notices only appeared the recently (stated on 05/11/2025) and were undated.</li> </ul>	<p>Blue site notices, which are used for amended plans, were placed in four locations adjacent to the Site on 12/11/2025 and were dated. Public consultation was undertaken in accordance with statutory requirements.</p>

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

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

- Signing of a Unilateral Undertaking to secure a RAMS contribution of £5,793.15 which equates to the equivalent of 33 C3 units (as per Natural England guidance). The sum is payable prior to the occupation of the first care home room.
- No other new planning obligations are required – the appropriate obligations were secured through the Section 106 legal agreement bound to the Outline Permission.

### **CONDITIONS:**

#### **1 Approved Plans**

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

- 23469 - 0330 Rev P-07 - Proposed Phasing Plan
- 23469-0100 Rev P-01 - Site Location Plan
- 23469-0300 Rev P-30 - Proposed Overall Site Plan
- 3804-HIA-01-XX-DR-A-0101 - Proposed Site Plan P10
- 23142 - 010 Proposed site access parcel B
- 23142 - TR001 Swept path analysis refuse vehicles
- 23142 - TR002 Swept path analysis FTA Design 10m rigid vehicle
- 23142 - TR003 Proposed site layout care home swept path analysis 7.5 tonne box van
- 23142 - TR004 Proposed site layout parcel C Swept path analysis 12m Rigid Vehicle
- 23142 - TR005 Proposed site layout parcel C swept path analysis refuse vehicle
- 23469 - 0320 Rev P-09 Proposed Boundary Treatment Plan
- 23469 - 0325 Rev P-11 Pedestrian & Cycle Route Access Plan
- 23469 - 0350 Rev P-02 Bin & Cycle Store Details
- 23469 - 0401 Rev P-01 Block 1 - Proposed Elevations
- 23469 - 0402 Rev P-01 Block 2 - Proposed Elevations
- 23469 - 0403 Rev P-01 Block 3 - Proposed Elevations
- 23469 - 0404 Rev P-01 Block 4 - Proposed Elevations
- 23469 - 0405 Rev P-01 Block 5 - Proposed Elevations
- 23469 - 0411 Rev P-02 Block 1 - Proposed Floor & Roof Plan
- 23469 - 0412 Rev P-02 Block 2 - Proposed Floor & Roof Plan
- 23469 - 0413 Rev P-02 Block 3 - Proposed Floor & Roof Plan
- 23469 - 0414 Rev P-00 Block 4 - Proposed Floor & Roof Plan

- 23469 - 0415 Rev P-00 Block 5 - Proposed Floor & Roof Plan
- 3804-HIA-01-00-DR-A-0201 Rev P6 Proposed Ground Floor Plan
- 3804-HIA-01-01-DR-A-0211 Rev P6 -Proposed First Floor Plan
- 3804-HIA-01-02-DR-A-0221 Rev P6-Proposed Second Floor Plan
- 3804-HIA-01-XX-DR-A-0301 Rev P3-South & East Elevations
- 3804-HIA-01-XX-DR-A-0302 Rev P3-North & West Elevation
- 3804-HIA-01-XX-DR-A-2701-Rev P2 Roof Plan
- 3804-HIA-XX-00-DR-A-0102-Rev P2 Boundary Treatment Plan
- GTC-E-SS-0012\_R2-2\_1\_of\_1 Close Coupled Substation pyramid roof detail general arrangement
- LL1784-001 Rev C - Street Lighting Layout - Private
- LL1784-002 Rev A - Street Lighting Layout - Private
- LPME-BSP-ZZ-XX-DR-C-0210 Rev P05 - Proposed Levels
- LPME-BSP-ZZ-XX-DR-C-0240 Rev P06 - Proposed Drainage Layout
- P23-2037 EN\_0001\_S1\_REV C Detailed Soft Landscape Proposals (Retail Units 1-4)
- P23-2037 EN\_0002\_S1\_REV A Detailed Soft Landscape Proposals (Retail Unit 5)
- P23-2037 EN\_0003\_S1\_REV E Detailed Soft Landscape Proposals (Care Home)
- Z5112-001 Rev P4 - Limebrook Local Center Culvert Crossing
- 23469-0330 Proposed Use Class Plan

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

## **2 Shrub/hedge Protection**

No development within each phase of the development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained within that phase of the development has been erected in accordance with BS5837:2012, details of which shall have been submitted to the LPA for written approval for that phase of the development. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site for that phase of the development

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site for that phase of the development. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of each phase of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within that phase of the development of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

**REASON** To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

## **3 Care Home Access**

Prior to the first occupation of Parcel C the access arrangements, as shown in principle on Connect Consultants drawing no. 23142-010, shall be fully implemented and retained as such for the life of the development. Reason: To ensure that appropriate and safe access is provided.

REASON To ensure sufficient parking and vehicle access infrastructure is provided and in the interests of highway safety, in accordance with policies H3, D1, T1 and T2 of the Approved Maldon District Local Development Plan and the Vehicle Parking Standards SPD.

#### **4 Access Provision**

Prior to the first occupation each phase, the parking, vehicle and cycle, and turning areas for that phase, as indicated on the approved plans, shall be provided and retained as such for the life of the relevant phase of development.

REASON To ensure sufficient parking and vehicle access infrastructure is provided and in the interests of highway safety, in accordance with policies D1, T1 and T2 of the Approved Maldon District Local Development Plan and the Vehicle Parking Standards SPD.

#### **5 Care Home Use**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order (2015) (as amended), the building annotated as "Care Home" on the hereby approved "23469-0330 Proposed Use Class Plan" shall be used solely as a 'residential care home' or 'nursing home' under Use Class C2 (residential institutions) and for no other purposes whatsoever.

REASON To ensure the proposed development does not have an unacceptable impact on the vitality of other retail/employment locations, to ensure sufficient parking is provided and to protect neighbouring amenities, in accordance with Policies S2, S4, D1, E1 and E3 of the approved Maldon District Local Development Plan and the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document.

#### **6 Retail Unit Use**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order (2015) (as amended), the building annotated as "Retail Unit 6" on the hereby approved "23469-0330 Proposed Use Class Plan" shall be used solely as a 'retail unit' within Use Class E(a) and for no other purposes whatsoever.

REASON To provide sufficient local services, ensure the proposed development does not have an unacceptable impact on the vitality of other retail/employment locations, to ensure sufficient parking is provided and to protect neighbouring amenities, in accordance with Policies S2, S4, D1, E1 and E3 of the approved Maldon District Local Development Plan and the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document.

#### **7 External Materials**

Prior to the commencement of any development above ground level for each phase of development, an updated materials plan and samples of all external facing materials to be used, including glazing (no glazing sample required), shall be submitted to, and approved in writing for that phase of development by, the Local Planning Authority. The details shall be generally in accordance with the submitted 'External Materials Schedule'. The hereby approved works

must then be carried out strictly in accordance with the approved details with that phase of development.

**REASON** In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

**8 Acoustic Fence**

Prior to the first use of any hereby approved commercial unit within the Phase 5 area of the indicative submitted plan 'PROPOSED PHASING PLAN 23469-0330 P-05', details of the required acoustic fence to be provided along the eastern boundary of the service yard of Phase 5 (as shown on 'Phasing Plan 23469-0330 P-05') shall be submitted to, and approved in writing by, the Local Planning Authority. The approved acoustic fencing shall be implemented in accordance with the approved details prior to the first use of any commercial unit within Phase 5, and retained in accordance with the details for the duration of the development.

**REASON** To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

**9 Public Art**

Notwithstanding the submitted plans and prior to the commencement of any above ground development within Phase 5 (as shown on 'Phasing Plan 23469-0330 P-05') details of the Decorative Feature Panel on the northern elevation of Unit 6 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to Unit 6 being opened to the public and retained for the life of Unit 6 unless otherwise agreed in writing by the Local Planning Authority.

**REASON** In the interest of the character and appearance of the area and to achieve good design, in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

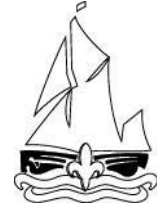
**10 Parking Management Plan**

Prior to the occupation of any use falling within Use Classes E(f), F1, F1a, F1b, F1c, F1d, F1e, F1f, F1g, Ed, F2c or F2d as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order (2015) (as amended), within any phase of development hereby approved, a Parking Management Plan demonstrating suitable and sufficient car parking for that use, including any measures required to mitigate parking stress, shall be submitted to and approved in writing by the Local Planning Authority. Any measures required in any approved Plan shall be implemented prior to the occupation of the relevant building and retained as such for the duration of that use.

**REASON** In the interest of the character and appearance of the area and to achieve good design, in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

1. This Reserved Matters approval must be read in conjunction with outline planning permission ref 22/01174/OUTM and the conditions attached thereto.
2. The Environment Agency advise that the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law. Changes to the way we manage flood risk activity permit applications The Environment Agency are moving the management of flood risk activity permit (FRAP) applications from local area teams into the National Permitting Service (NPS). This change is happening in stages and applications previously managed in Essex, Norfolk, Suffolk area are now being managed in NPS. FRAP applications for activities that take place in this area should be sent to: [flood.permitting@environment-agency.gov.uk](mailto:flood.permitting@environment-agency.gov.uk)
3. ECC Highways advise that (i) ECC has not undertaken an assessment of the parking provision as Maldon District Council have their own adopted parking standards. (ii) Any trees and non-standard materials/equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) iv. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required. v. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.



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

to  
**DISTRICT PLANNING COMMITTEE  
25 JUNE 2025**

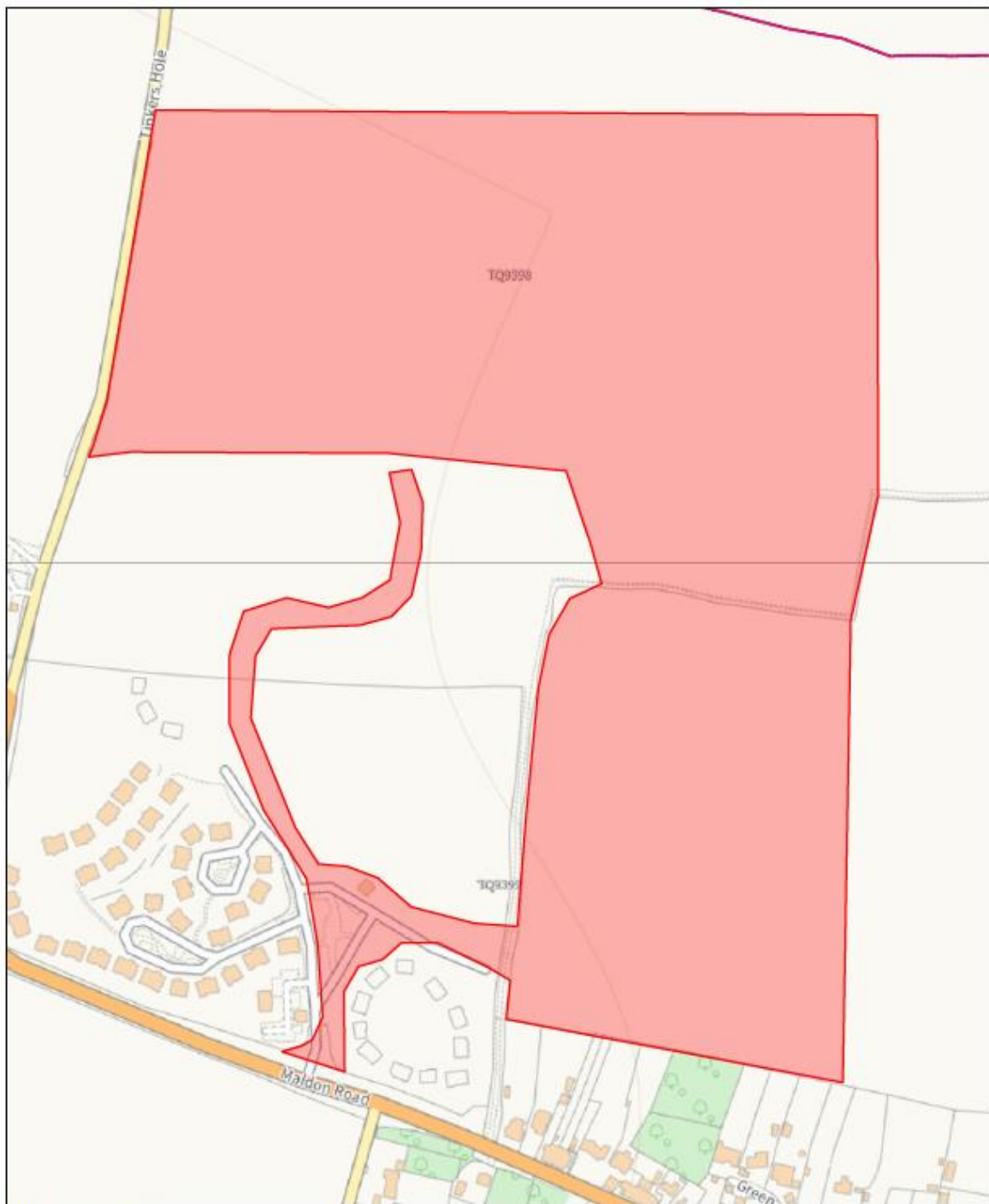
<b>Application Number</b>	<b>25/00131/RESM</b>
<b>Location</b>	Land 250M North Of 16A Maldon Road Burnham-On-Crouch Essex
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping and scale from approved planning application reference 21/00075/OUTM allowed on appeal APP/X1545/W/21/3283478 (Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including additional affordable housing : erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings , and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping)
<b>Applicant</b>	Mr Ian Holloway, Burnham Waters 2 Limited
<b>Agent</b>	Mr Stewart Rowe - The Planning And Design Bureau Ltd
<b>Target Decision Date</b>	30.06.2026 (Time Extension agreed with agent)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>Burnham North</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development

**1. RECOMMENDATION**

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

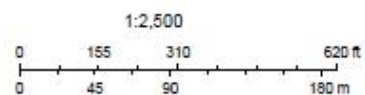
**2. SITE MAP**

Please see below.



11/17/2025, 4:54:41 PM

- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km



### **3. SUMMARY**

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

##### The Site

- 3.1.1 The c.20 hectare (ha) application site is located within the countryside adjacent to but beyond any settlement boundary. Burnham-on-Crouch's settlement boundary is located around 50m to the south of the application site at its closest point.
- 3.1.2 The land is bounded to the south and west by a site known as Burnham Waters which is currently being developed as a retirement community providing homes for residents over 55 (application references 18/00443/OUT approved in September 2019 and 20/00846/RES approved in October 2020), this is known as Phase 1 of the development. That development would consist of bungalows organised in cul-de-sac communities, with additional assisted living apartment blocks. A range of healthcare and leisure facilities would be included. This retirement community is being constructed on land on the north side of the B1010 Maldon Road on the north-western edge of the settlement of Ostend (located to the north-west of Burnham-on-Crouch). Some of the units in Phase 1 are completed and occupied.
- 3.1.3 To the south and east of the site are a collection of existing properties fronting Maldon Road, Green Lane and Mangapp Chase. The houses along Maldon Road are particularly close to the southern boundary of the application site. Land immediately to the north and east of the site is currently in use for arable farming, with fields separated by tree lines, hedgerows, and drainage ditches. This includes Pannel's Brook, a small stream that runs adjacent to a Public Right of Way (PRoW). To the south-east is the settlement of Ostend, which includes the recently built Grangewood Park development of new homes.
- 3.1.4 There are multiple PRoWs within the landscape. PRoW 242 runs along but beyond the western boundary of the south-eastern part of the site. An east-west section of this PRoW is located within the application site and is shown to be retained between the flats and the bulk of the bungalows proposed. The footpath then runs along the eastern site boundary for a short distance before turning eastwards across neighbouring fields.
- 3.1.5 The L-shaped site slopes gently upwards from east to west. The northern boundary of the site falls from Tinkers Hole (to the west) to the site's north-eastern corner by around 5.1m. Ground levels fall from south to north across the site by around 0.9m. Along the southern boundary, the difference in ground levels east-west is around 3.2m.
- 3.1.6 The site is currently agricultural land used for arable farming within two fields bisected east-west by a hedge and ditch with an adjacent PRoW (no.242). The ditch is understood to be hydraulically linked to Pannel's Brook located 250m to the northeast. The site is located within Flood Zone 1 (low probability).
- 3.1.7 The majority of the site's eastern and northern boundaries are currently undefined being within an existing arable field.
- 3.1.8 There is an existing gas pipe along the northern section of the western boundary, adjacent to Tinker's Hole, with a 6m easement. There is also an existing water pipe along the southern-most section of southern boundary with an 8m easement. This same section of the southern boundary adjoins the rear garden

## Background Information

- 3.1.9 The outline planning permission for Phase 2 was for all matters of detail to be reserved for future determination except for layout and means of access to the site. The permission is to extend the approved retirement community (Phase 1) to the north and east including additional affordable housing and the erection of 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect a single-storey ancillary multi-use community building. The permission also allows for the laying out of estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. The permission also allows the formation of open spaces and allotments and the laying out hard and soft landscaping.
- 3.1.10 The plan below shows the extent of the outline permission for Phase 2 as well as the Phase 1 development and the access arrangements through Phase 1 to access Phase 2, as shown in the red line route through Phase 1.



## What has already been approved

- 3.1.11 Means of Access – The positions, alignments and overall design of the means of access to the site were approved as part of the outline planning permission. The primary site access for both pedestrians and vehicles is from two points from where the spine road in Phase 1 leads into the Phase 2 part of the development. Secondary pedestrian, equestrian, and cycle only accesses to the site from the Phase 1 development were also approved. This application does not seek to change the

position or hierarchy of any accesses into the application site. There are no access arrangements onto Tinkers Hole road to the west of the site.

3.1.12 Layout - The layout of the site has also been approved through the outline planning permission. The current layout plans reflect the approved outline planning permission layout with only refinements to the shape of the approved buildings having been made as a normal part of the evolution of the 'scale', 'appearance' and 'landscaping' reserved matters. The layout plan shows the layout of the land parcels 'K' to 'V' which are circular crescent shaped developments. Five apartment blocks are identified as 'A' to 'E' and are located in the southern part of the site along with a lake and parking provision. The most southerly building would be the community hall building.

3.1.13 Dwelling numbers, Mix and Affordable Housing – The number of dwellings in the development is fixed by the description of development in the approved outline planning permission as being 232 dwellings and an ancillary multi-use community building. Control over the mix of units is established by the particulars of the outline planning permission and through condition 22, which requires the following mix and type of dwellings as follows:

- 33 one-bedroom bungalows;
- 64 two-bedroom bungalows;
- 35 three-bedroom bungalows;
- 32 one-bedroom flats;
- 46 two-bedroom flats; and,
- 22 three-bedroom flats.

3.1.14 The accommodation summary schedule is below:

Accommodation Summary Schedule		
<b>Bunaglows</b>		
Name	Occupancy	Quantity
Affordable Type 1A	1B2P	17
Affordable Type 2C	2B3P	3
Bungalow Type 1AP	1B2P	9
Bungalow Type 1BP	1B2P	7
Bungalow Type 2AP	2B4P	35
Bungalow Type 2BP	2B4P	26
Bungalow Type 3AP	3B6P	35
<b>Total:</b>		<b>132</b>
<b>Apartments</b>		
Name	Occupancy	Quantity
1B Apartment	1B2P	32
2B Apartment	2B3P/2B4P	46
3B Apartment	3B5P	22
<b>Total:</b>		<b>100</b>
<b>Overall Total:</b>		<b>232</b>

3.1.15 Vehicle Parking - Condition 6 of the outline planning permission requires details of hard landscaping which would include car parking layouts.

3.1.16 All bungalows in Phase 2 (i.e. each of the 132No. one, two and three-bedroom units) are provided with two parking spaces, at least one of which meets disabled bay design standards. Visitor parking would be provided within the central communal space, at the rate of (or exceeding) one space per four dwellings in the cul-de-sac. Each bungalow will be provided with a cycle locker located adjacent to the rear patio

or driveway (combined with the refuse and recycling store) that can accommodate up to four cycles.

- 3.1.17 For the apartments, vehicle parking would be provided on an unallocated basis at the rate of one space per one-bedroom dwelling and two spaces for two and three bedroom units, with one visitor space per four units, all provided within the five parking courts shown to accord with the layout plans for the outline permission. Cycle parking is provided in secure internal cycle store rooms in each of the five apartment buildings at the rate of one space per one-bedroom unit and two spaces per two and three bedroom unit.
- 3.1.18 For the Multi Use Community Building, 20 parking spaces are proposed. For cycle parking in Sheffield stands are proposed to be sited adjacent to the entrance of the building.
- 3.1.19 In addition to the principle of the development, the 'means of access' and 'layout', all material considerations were considered and determined including sustainability, impact upon services, affordable housing provision, housing mix, impact upon residential amenity, highway impact and parking, flood risk and drainage, nature conservation and archaeology. Where necessary planning conditions and obligations are included in the outline planning permission and some of the material considerations listed here are also relevant to the reserved matters and considered in the assessment section of this report.

### The Proposal

- 3.1.20 The proposal seeks approval for the reserved matters application of 'appearance', 'landscaping' and 'scale' from the approved outline planning application reference 21/00075/OUT, which was allowed on appeal (APP/X1545/W/21/3283478) on 21 March 2022. The details below explain what is for consideration and determination:
- 3.1.21 Scale – The development includes bungalow as single storey buildings up to 5.8m high and apartments that would be two storey development ranging between 9.9m to 12.4m high with all measurements taken from ground level to ridge height. The single storey community hall would be up to 6.2m high.
- 3.1.22 Appearance – The proposed design approach reflects a continuation of Phase 1 of the development to the south and west of the Phase 2 area. Materials to be used include slate roofs, horizontal timber cladding, red face brickwork, stone fenestration framing oak posts and aluminium louvres. As part of the 'appearance' requirements condition 5 of the outline permission requires details of the fencing and means of enclosure, the only fencing included is a 0.9m high finished black recycled plastic with a timber effect surface and a single gate around each patio area to each bungalow which is the same approach undertaken in Phase 1.
- 3.1.23 Landscaping – Both hard and soft landscaping are for determination. Conditions 5 and 6 of the outline planning permission identify this requirement for the reserved matters. The plans show details of hard surfacing materials and their locations, boundary treatments, tree, shrub and plant species, plant sizes, heights, densities and maintenance schedules are to be provided.

## **3.2 Conclusion**

- 3.2.1 The reserved matters of 'appearance', 'landscaping' and 'scale' are considered acceptable for this Phase 2 development having regard to the material considerations of their visual impact upon the character and appearance of the area,

neighbouring amenity, heritage, waste management and energy, subject to conditions were identified in section 8 of this report, and with regard to the relevant policies of the Local Development Plan (LDP), BNP and guidance and paragraphs of the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).

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

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning Conditions and Obligations
- 61-84 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham on Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist Needs'
- 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 Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP):**

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.3 – Housing for Retired and Elderly Persons
- Policy HO.4 – Affordable Market Housing
- Policy HO.8 – Housing Design Principles

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (PPG)
- Essex Design Guide Supplementary Planning Document (SPD)
- Maldon District Design Guide (MDDG) (2017) SPD
- Maldon District Vehicle Parking Standards SPD
- Maldon District Special Needs Housing SPD (2018)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 Outline planning permission was granted on appeal on 21 March 2023 through reference (21/00075/OUTM). The outline planning permission approved the overall development including the principle of the development, the ‘means of access’ to the site and the ‘layout’ of the development.

5.1.2 Therefore, this application is to consider the reserved matters of ‘scale’, ‘appearance’, ‘landscaping’ and any other requirements for consideration with a reserved matters application as required through the planning conditions to the outline planning permission.

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

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

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

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

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.2.4 Policy H4 states that “all development will be design-led and will seek to optimise the use of land having regard to the following considerations:
- 1) The location and the setting of the site;
  - 2) The existing character and density of the surrounding area;
  - 3) Accessibility to local services and facilities;
  - 4) The capacity of local infrastructure;
  - 5) Parking standards;
  - 6) Proximity to public transport; and
  - 7) The impacts upon the amenities of neighbouring properties.”
- 5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.6 The housing design principles for Burnham-on-Crouch are also identified in Appendix 2 of the Burnham-on-Crouch Neighbourhood Development Plan.

#### Scale and Appearance

- 5.2.7 ‘Scale’ is a reserved matter and condition 26 of the outline planning permission restricts the bungalows and the community facility building to be ‘no greater than single storey in height’ and the apartment blocks to be ‘no greater than two storeys in height’. All buildings are shown to include a traditional pitched roof designs. The proposed bungalows would range in height between 5.7m and 5.8m high from ground to ridge level. The proposed community building would be a maximum of 6.3m high from ground to ridge level. The proposed apartment blocks range from 9.9m to 12.4m high from ground to ridge level. Overall, the scale of the buildings comply with condition 26 of the outline planning permission and represents a continuation of similar building heights from Phase 1 so are acceptable in this location and for these reasons.

- 5.2.8 'Appearance' is a reserved matter and the appearance of the buildings for this Phase 2 development of Burnham Waters would include red face brickwork, horizontal cladding, slate roofs, oak posts for entrance canopies and aluminium louvers for the proposed bungalows. For the proposed apartment blocks similar materials would be used but extra detailing is proposed in the form of stone fenestration framing and 45-degree brick detailing features. For the community building, again all the same materials would be used and would include the addition of timber effect cladding. All the materials and the design approaches taken for all buildings in Phase 2 would represent a continuation of similar building appearances as approved for Phase 1. This helps to create and maintain the continuous character and built form approach that integrates into the wider development but is also sympathetic to its setting, based on the building heights and appearance which border the open rural countryside, which is adjacent to majority of areas around the site.
- 5.2.9 Condition 5 of the outline planning permission requires all details of boundary treatments to be approved through the reserved matters. As the applicant explains Burnham Waters Retirement Community was conceived as a low density open plan estate so the intention is to have little in the way of boundary treatments and means of enclosure associated with a traditional housing estate. From occupation of the bungalows in Phase 1 it has been recognised that residents have pet dogs and seek a low fence around their patio so like in Phase 1 a pet fence design is included and would be a fence that would be 0.9m high that would be finished in block recycled plastic with timber effect and include a single gate. Other forms of boundary treatment are those that form part of the hard and soft landscaping.
- 5.2.10 Whilst layout was approved with the outline planning permission the individual layout of each dwelling wasn't provided at that stage but is provided with the reserved matters and is considered as part of the 'appearance' considerations with this application. There are no objections to the layout of each dwelling unit.
- 5.2.11 The density of the proposed development, as approved with the outline planning permission, is low density at 11.5 dwellings per hectare which is similar to Phase 1 which is 12 dwellings per hectare. As stated in the report from the outline planning permission for Phase 2, whilst low density, the proposed density was considered to be appropriate for this semi-rural site that would abut the countryside and given the nature of the residential accommodation proposed. The density requirements cannot be changed as the description of the development to the outline planning permission has already 'fixed' the dwelling numbers for this site.
- 5.2.12 The 'scale' and 'appearance' of the proposed development represents the continuation of the Phase 1 development and is acceptable with regard to its impact upon the rural countryside in this location and nearby existing development.

#### Landscaping and Trees

- 5.2.13 'Landscaping' is a reserved matter and condition 5 of the outline planning permission requires hard and soft landscaping details to be approved at the reserved matters stage. The application includes details of soft landscaping in the form of tree, shrub and plant species, plant sizes, heights, densities and maintenance schedules in the landscaping drawings. The application also includes a Landscape Specification and Maintenance Plan. The landscaping has been developed to a semi-Arcadian approach comprising of thick and well vegetated borders running the entire length of the site's eastern and northern boundaries. Additional strategic planting is also shown along the southern boundary of the northern limb of the development site – this complementing the approved new hedgerow planting for Phase 1. New tree lines

and hedgerows are proposed to demark the routes of roads and footpaths, and each land area where the bungalows and apartments would be sited.

- 5.2.14 In addition, as a pre-commencement condition, condition 12 of the outline planning permission requires an Arboricultural Method Statement and Arboricultural Supervision Schedule to be provided and the information assesses the existing trees and hedgerows on the site. The information demonstrates that existing hedgerows and trees along the site's two western boundaries and along the east-west axis in the south eastern third of the site would all be retained and enhanced.
- 5.2.15 Place Services Tree Consultant has no objection subject to a planning condition requiring tree protection measures to be put in place.
- 5.2.16 Each bungalow would have a small patio enclosed with ornamental shrub planting but with no formally defined boundaries, fencing or means of enclosure, other than the pet fencing, which also follows the approach taken in Phase 1. Each bungalow would have a driveway, path and planting beds along with refuse, recycling and recycling storage areas. Between the bungalows communal areas of grass, trees and shrub planting would be maintained by the community's management company. The land around the bungalows would be private amenity space land and the other land would be public open space land as shown on the plan within section 11.2 of the applicant's Design and Access Statement. The central shared space for each land area of where the bungalows would form an already approved crescent layout and this would include raised planters for allotment purposes; pergolas seating and meeting spaces; visitor parking and a range of planting. The section 106 legal agreement to the outline planning permission shall secure local open space and its management, which is separate to this reserved matters application.
- 5.2.17 Although still to be discharged as a requirement of condition 18 of the outline planning permission a surface water drainage scheme has been designed amongst the landscaping as a feature for landscape, visual and ecological benefits. The proposed surface water drainage scheme would provide open grass swales and drain to a detention basin sited in the south eastern part of the site.
- 5.2.18 In terms of hard landscaping, the materials to be used include grey tarmacadam for the roads, concrete block paving to each land area and vehicle parking spaces, recycling rubber and stone for the pedestrian pathways.
- 5.2.19 When considered against the Phase 1 development this Phase 2 landscaping proposal represents the continuation of the hard and soft landscaping materials and plant species used for that Phase. This is important for the continued landscaping, ecological and appearance of the overall Burnham Waters development.

#### Conclusion to this section

- 5.2.20 Overall, it is considered that the 'scale', 'appearance' and 'landscaping complies with the relevant conditions of the outline planning permission and would create a continuation of the Phase 1 as part of the overall Burnham Waters development which now forms part of the character and appearance of this location. There would be no conflicts with the requirements of policies D1 and H4 of the LDP, the MDDG (2017), the design principles in Appendix 2 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.

### **5.3 Impact on Neighbouring Amenity**

- 5.3.1 The basis of policies D1 and H4 of the approved LDP seek 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).
- 5.3.2 It was established as part of the outline permission that the proposed use of the application site was acceptable in terms of residential amenity and noise. Furthermore, it was considered that the proposed layout would not result in demonstrable harm in terms of loss of light, dominance, sense of enclosure or overlooking, nor that the increased use of the existing public footpath would result in harmful impacts to neighbouring occupiers. Therefore, as part of this reserved matters application it is only necessary to consider whether the details relating to appearance, scale and landscaping would have any material impacts on residential amenity.
- 5.3.3 The nearest properties are those to the southern site boundary that front onto Maldon Road and have deep rear gardens that back onto this part of the site. The majority of these properties are in residential use with the exception of one building which has a commercial restaurant use. The application site boundary is located around 60m from the rear elevations of these residential properties at its closest point. The nearest building would be the community hall at 7.4m from the boundary but the siting of this building and the overall site was approved through the outline planning permission through the approved 'layout' considerations. The only considerations are the arrangement of windows and doors in the 'appearance' and the 'scale' of the buildings as 'layout' and the use of the buildings has already been approved.
- 5.3.4 As already identified the community hall and the bungalows are single storey buildings, which would have windows and doors facing towards the neighbouring boundary to the south and given that this is the case there would not be any adversely impact upon amenities of the occupiers of these properties nor conflict with policy D1 of the LDP.
- 5.3.5 It should be noted that outside of the considerations to this reserved matters application planning conditions were imposed on the outline planning permission with regard to external lighting, (condition 15) and limiting the hours of use of the community hall (condition 25) to 07:30 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays and Public Holidays. It should also be noted that condition 25 states that 'no customers or visitors shall be present upon the premises outside the permitted hours of use'.

### **5.4 Heritage Assets and Archaeology**

- 5.4.1 In considering the reserved matters of 'scale', 'appearance', 'landscaping' there are no designated assets located within or the immediate vicinity of the application site. As a pre-commencement condition, condition 13 of the outline planning permission requires an archaeological assessment to be submitted and approved to establish the archaeological significance of the site. To date no application to discharge this condition has been received and it is likely to be submitted after the reserved matters application has been determined.

### **5.5 Waste management**

- 5.5.1 Condition 23 of the outline planning permission requires a waste management plan to be submitted as part of the 'appearance' and/or 'landscaping' reserved matters

application. Both 'appearance' and 'landscaping' are for determination through this reserved matters application.

- 5.5.2 Section 11.4 of the applicant's Design and Access Statement identifies the refuse strategy for the site with individual bungalows having on plot refuse storage that would be picked up by a kerbside collection. The apartment buildings would have communal bin stores centrally located within the buildings. A bin store is also proposed for the community hall building.
- 5.5.3 The application includes two vehicle tracking plans showing that refuse vehicles can safely manoeuvre around the site for waste collection purposes.
- 5.5.4 Although no comments have been received from the Waste Officer, given that the application suitably demonstrates that waste vehicles can be sufficiently and safely accommodated within the site and there was no objection raised as part of the outline permission in relation to the proposed refuse strategy it is considered that the submitted details as shown in section 11.4 of the Design and Access Statement is sufficient to comply with condition 23 of the outline planning permission.

## **5.6 Energy**

- 5.6.1 In considering the reserved matters of 'scale' and 'appearance', section 11.7 of the applicant's Design and Access Statement identifies how the building would be highly insulated and that renewable energy sources would be used including photovoltaic panels and air source heat pumps. Details of this equipment shall need to be secured through a planning condition to this application. Electric charging points would also be installed for each dwelling, although such provision is now secured through the Building Regulations rather than through a planning condition.

## **5.7 Removal of Permitted Development Rights**

- 5.7.1 It is noted that given the limited size of the plots and their relationship with neighbouring occupiers, any alterations / extensions to the dwellings or erection and installation of fencing and hardstanding may result in an unacceptable appearance of the proposed development. Furthermore, the living conditions of the future occupiers could be adversely affected by rear extensions or outbuildings if they reduced the back to back distances between dwellings. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses are removed for Schedule 2, Part 1 classes A, B, C, D, E, F and H and Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is also reasonable and necessary to impose a condition requiring that one master antenna is installed on the roof of each apartment block, rather than separate satellite dishes and antenna for each flat, to protect the character and appearance of the area.

## 6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out below

Application Ref	Proposal	Decision
18/00443/OUT  Phase 1	Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping	Approved at full Council on 13.09.2019 and subject to conditions and section 106
20/00846/RES  Phase 1	Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)	Approved 14.10.2020
21/00075/OUTM  Phase 2	Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including additional affordable housing : erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings , and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and	Council refused on 10.06.2021 For character and appearance reason.  Allowed on

Application Ref	Proposal	Decision
	surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping.	Appeal on 21.03.2022  Costs awarded against the Council
22/00887/OUTM  Phase 3	Outline Application with all Matters of Detail Reserved for Future Determination (Except for Layout and Means of Access to the Site) to Extend Approved Retirement Community to North and East Including Additional Affordable Housing: Erect 203 Dwellings Comprising 143No. One, Two and Three-Bedroom Bungalows, 60No. One, Two, and Three-Bedroom Apartments in Two-Storey Buildings. Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure Including Swales and Detention Basins. Form Public Open Spaces Including Greenway, Orchards and Allotments and Lay out Hard and Soft Landscaping	Approved 01.09.2023

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

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

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	No objection to this application	No response required

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No comments to make	Noted
Active Travel England	No objection subject to standing advice and active travel and sustainable development being promoted	Noted
Essex County Council Flood and Water Management Team (SUDS)	This application does not relate to drainage and drainage shall be reviewed through conditions 10 and 18 of the outline permission	This will be dealt with through a separate application process to discharge planning conditions
Essex County Council Highways	No objection subject to a condition requiring the raised table arrangement to cross the public footpath details being agreed	This shall be covered in a planning condition
Essex County Council Public Rights of Way Officer (PROW)	No response	Noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex Police Architectural Liaison Officer	No objections subject to provision of lighting, EV charging points, safe design of public realm spaces and the need for security measures	Noted
Essex Fire and Rescue	No objection as access is satisfactory and other requirements regarding fire safety are covered under the Building Regulations. Fire hydrants would need to be installed within the curtilage of the site	Noted
Essex and Suffolk Water	No response	Noted
Place Services - Archaeology	No objection as the outline permission includes archaeology conditions	This will be dealt with through a separate application process to discharge planning conditions
Place Services - Ecology Officer	No response	Noted
Places Services – Tree Consultant	No objection subject to conditions requiring tree protection measures	This shall be covered in a planning condition

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No comments to make	Noted
Housing Officer	Supports the proposal	Noted
Waste Services	No response	Noted

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

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

## 8. **PROPOSED CONDITIONS**

- The development shall be carried out in accordance with the approved plans listed on the decision notice.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- The materials to be used on the external surfaces of the development hereby approved shall be match those as detailed in the Design and Access Statement document Rev P3.  
**REASON** In the interest of the character and appearance of the area and to reflect the continuation of the earlier development approved at the Burnham

Waters site, in accordance with policy D1 of the approved Maldon District Local Development Plan.

3. Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), and with the exception of the pet fences and gates as shown on approved drawing 2039-WWA-XX-XX-D-L-0504 and the approved Pet Fence Detail drawing, no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the local planning authority.  
REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
4. Prior to the occupation of a dwelling or building hereby permitted the vehicle parking spaces associated with that dwelling or building shall be hard surfaced, sealed, and marked out in parking bays and available for use in accordance with the plans and details hereby approved. The vehicle parking areas shall be retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
5. Prior to the occupation of the development or buildings hereby permitted details of the proposed raised table arrangement to cross the public footpath shall be submitted to and approved by the local planning authority. The proposed raised table arrangement shall be installed as approved and shall be maintained and retained in this form at all times thereafter.  
REASON To ensure the continued safe passage of the public on the definitive right of way and in the interests of accessibility, in accordance with policies D1 and T2 of the approved Local Development Plan.
6. Prior to the occupation of a dwelling or a building the refuse, recycling, cycle storage and air source heat pumps to serve the development together with details of the means of access shall be installed in accordance with the details approved within the application's Refuse, Recycling, Cycle Storage and Airsource Heat Pumps document dated February 2025. The refuse, recycling, cycle storage and air source heat pumps to serve the development shall be permanently maintained and retained at all times thereafter.  
REASON To ensure that refuse, recycling, cycle storage and air source heat pumps to serve the development are provided in the interests of visual amenity of the area, to promote sustainable transport modes and to provide energy efficient heating in accordance with policies D1, D2 and T2 of the approved Maldon District Local Development Plan.
7. No development shall commence until details of existing and finished site levels and finished external surface levels, the levels of the surrounding area and adjoining buildings where applicable and the finished floor level of the building(s) hereby permitted have been submitted to and approved by the local planning

authority. The development shall be implemented in accordance with the agreed details.

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

8. No more than one Master Antenna/satellite dish shall be provided on the roof of each of the apartment blocks. No individual satellite dishes or antenna shall be provided per flat.

REASON In order to protect the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan.

9. With the exception of access routes through field boundaries, all trees, shrubs and hedgerows to be retained on the site shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub (including hedges).

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

10. No development shall commence until details of the allotments and raised planters including a specification for their implementation have been submitted to and agreed in writing by the local planning authority. The allotments and raised planters shall be installed in accordance with the agreed details and specification.

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