

14 September 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on TUESDAY 22 SEPTEMBER 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
	D O Bown
	J R Burrell-Cook
	S J Burwood
	S Dodsley
	J Driver
	M F L Durham, CC
	A Fittock
	A S Fluker
	L J Haywood
	J C Hughes
	K Jennings
	K M H Lagan
	A M Lay
	W J Laybourn
	S J N Morgan
	C P Morley
	M G Neall
	R G Pratt
	R H Siddall
	U G C Siddall-Norman
	N D Spenceley
	P L Spenceley
	W Stamp, CC
	E L Stephens
	J C Stilts
	N J Swindle
	S White
	L L Wiffen

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



**AGENDA
DISTRICT PLANNING COMMITTEE**

TUESDAY 22 SEPTEMBER 2026

1. **Chairperson's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (To Follow)

To confirm the Minutes of the meeting of the District Planning Committee held on 2 September 2026 (copy TO FOLLOW).

4. **Disclosure of Interest**

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

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

5. **25/00607/OUTM Land 100M East Of 53 Seagers Great Totham** (Pages 7 - 64)

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

6. **26/00138/OUTM Land South Of Threeways And 45 The Street, Latchingdon, Essex** (Pages 65 - 98)

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

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

Note:

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

* 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.

MALDON DISTRICT COUNCIL

DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

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

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

Statutory Development Plans

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

Other Material Considerations

Legislation

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

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

National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#) New NPPF published 17 August 2026
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

Guidance, Supplementary Planning Documents (SPD) and Design Statements

National-scale

- [National Planning Practice Guidance](#)

Sub-Regional / Essex-scale

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

District-scale

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational disturbance Avoidance Mitigation Strategy \(RAMS\) 2026 SPD](#)

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

Local-scale

- [Heybridge Basin Village Design Statement – 2006](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

Maldon District Local Development Plan Review Evidence Base

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

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



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

to
**DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2026**

Application Number	25/00607/OUTM
Location	Land 100M East Of 53 Seagers Great Totham
Proposal	Outline application for the development of up to 150 homes alongside public open space, with all matters reserved except for access.
Applicant	BDW Trading Ltd & Britt Snelling C/o Whirledge & Nott
Agent	Belinda Greenwell - Stantec
Target Decision Date	30.09.2026 (with Extension of Time agreed to 22 December 2026 to allow for S106 completion in the event of resolution to grant planning permission)
Case Officer	Chris Purvis
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Development Departure from the Policies in the Local Plan

1. RECOMMENDATION

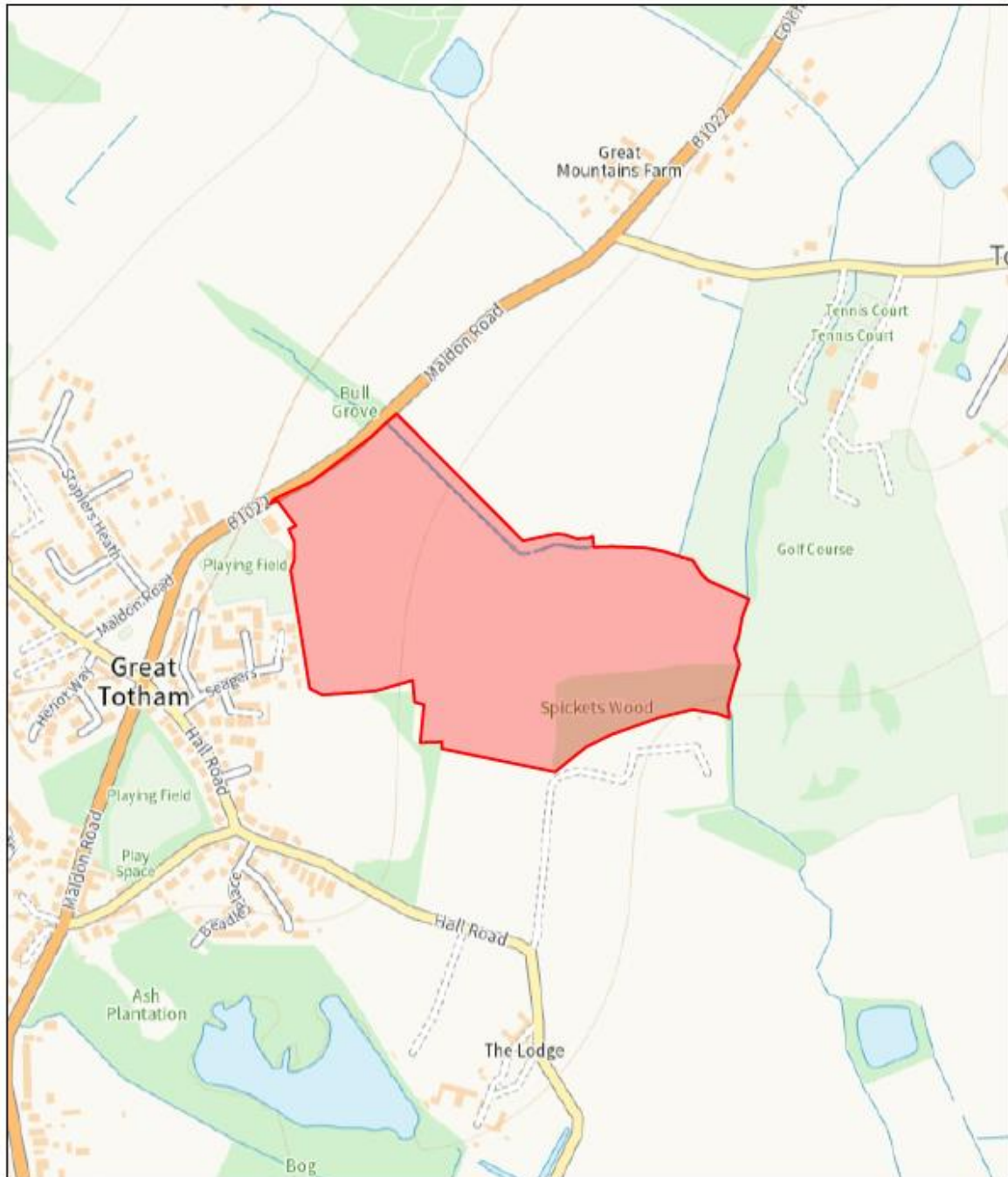
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant outline planning permission subject to:

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

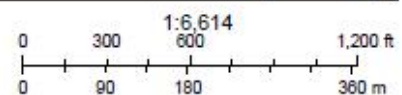
If the Section 106 legal agreement is not completed within three months of the date of this District Planning Committee, or an extended time period as agreed between the applicant and the Council, then delegate authority to the Director of Place, Planning and Growth to **REFUSE** the planning application,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

Please see below.



12/8/2025, 5:08:59 PM





Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey
material with the permission of Ordnance Survey on
behalf of the Controller of Her Majesty's Stationery
Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
Maldon District Council 100016596 2014

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The site currently comprises greenfield land amounting to approximately 15 hectares and is bounded by hedging and trees at various points on the southern and eastern sides but with notable breaks in foliage adjacent Maldon Road to the north as well as the south. The site is located on the southern side of Maldon Road (B1022). The land is an agricultural field, and the ground levels fall away gently from Maldon Road. Located in the site is Bull Brook to the eastern side of the site and Spickets Wood to the south east of the site, which is designated as Ancient Woodland and a Local Wildlife Site. Overhead power lines (11kv) cross the site in a north east to south west direction. The site is located outside of the settlement boundary of Great Totham (South).
- 3.1.2 To the north of the site are agricultural fields and The Bull public house, which is a Grade II listed building, both are on the northern side of Maldon Road. To the east is Public Right of Way (PRoW) 25, further agricultural fields and Forrester Park golf course. To the south is a sewerage works and further agricultural fields. To the west of the site is the village hall and the village cricket ground and to the south west of the site is a residential development known as the 'Seagers'.

Description of the Proposal

- 3.1.3 Outline planning permission is sought for the development of up to 150 homes on the western half of the site. The eastern half of the site would become a dedicated area of public open space and would incorporate Spickets Wood into this land area. The Illustrative Concept Masterplan (RG-M-06 Rev G) shows an indicative layout of the residential development comprising of roads, tree lined streets, dwellings, two children play areas, allotments, drainage features and paths around the area of public open space.
- 3.1.4 The proposal would provide 40% affordable housing provision. It is stated that the proposal would offer a mix of house types including bungalows and smaller homes.
- 3.1.5 All matters of detail including layout, scale, appearance and landscaping are reserved for future determination except for the means of access to the site which is for determination with this application.
- 3.1.6 The application is supported by various plans as well as studies and reports supporting the application.

Access and Movement

- 3.1.7 The application seeks approval for 'access' and includes detailed plans relating to one vehicle access into the site from Maldon Road.
- 3.1.8 The vehicle access would be a 'T' junction onto Maldon Road and would comprise of a 6m wide carriageway with two 3m wide footways either side of the carriageway. The footway on the western side of the road would then continue and form a new footway that would link up to the existing footway along Maldon Road to the west outside of the village hall. The proposed shared footway cycleway plan (TRP-00218-DR-006 Rev D) would be constructed along the front of the site and would replace the narrow unmade trodden path in this location on either side of the access. Each

footway follows the alignment of Maldon Road and there would be 1m wide grass verges formed along with tactile paving strips as crossing points at junction of the access road.

- 3.1.9 Outside of the site but following Maldon Road to the west the proposed shared footway cycleway plan (TRP-00218-DR-006 Rev D) shows upgrades to the existing footways increasing the width of these to 3m and providing new crossing points for access to the village green at the junction of Maldon Road and Staples Heath, and path across the grass verge opposite The Bull public house.

3.2 Conclusion and Planning Balance

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

Benefits

- **Sustainable Development** – The site is located in a sustainable location on the edge of Great Totham (South) which is identified as a ‘larger village’ in policy S8 of the Local Development Plan (LDP) and includes services, facilities and access to sustainable transport networks including bus services. This accords with National Planning Policy Framework (NPPF) policy S3 where the presumption in favour of sustainable development applies. **Substantial Weight.**
- **Housing Land Supply Position** – The Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS) to meet the requirements of the NPPF. The tilted balance is therefore applied as policy S2 is currently out of date and not in accordance with the requirements of the NPPF. This accords with NPPF policy S5 J i that allows for development outside of settlements where there is an evidenced unmet need for housing subject to a site being well related to an existing settlement (which this is) and to be of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure (this will be achieved through planning obligations). **Substantial Weight.**
- **Affordable Housing** – The proposal would provide a policy compliant level of affordable housing (40% of the development) and this would contribute to the Council’s housing land supply position and identified need for affordable housing in the District. **Substantial Weight.**
- **Economic Benefits** – The proposal would provide economic benefits through the construction phase of the development when the dwellings are occupied would bring in new people who would spend money in the local area and benefit local businesses and the local economy. These are recognised as economic benefits of the proposed development and are given **Moderate Weight.**
- **High Quality Design and Energy Efficient Development** – Based on the information provided through this application the proposal can provide opportunity for a high-quality designed development and the incorporate energy efficient buildings and the use of renewable energy installations to help address the impact of climate change. As this would be detailed in the reserved matters, at this stage, this is given **Limited Weight.**
- **Green Infrastructure and Ecology and Biodiversity Improvements** – The current agricultural field would be lost but this would lead to benefits through the provision of new, improved and enhanced green infrastructure in the form of landscaping, open space and surface water drainage systems that would

also lead to a net gain in biodiversity value at the site with a potential 27% gain in habitat units, 125% in hedgerow units and 13% watercourse units. **Limited Weight.**

- **Developer Contributions** – To mitigate the impact of the development in terms of affordable housing, education, healthcare and Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) financial contributions, which would be given **Neutral Weight**, as they are policy requirements. The Highway Authority are requiring a financial contribution of £480,000 to towards improving public transport links between the site and other destinations in the area including between the site and other local destinations including Maldon, Tiptree and Colchester but this is given **Limited Weight.**

Harm

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

3.2.2 The proposal would lead to neutral impacts that are neither beneficial nor harmful and would include standard requirements for major planning applications such as the provision of onsite surface water drainage systems. These neutral impacts also include the technical considerations of heritage impact, air quality, ground conditions and contamination where there would be no harm nor benefit.

3.2.3 Based on the above it is considered that the identified benefits of the proposal would, on balance, outweigh the identified harms and therefore the application is recommended for approval subject to the planning conditions and planning obligations as set out in the recommendation section and the conditions and heads of terms section of this report.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- Paragraph 17 Achieving Sustainable development

Procedural Policies

- Chapter 3 Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
 - DM7 Relationship with other regulatory regimes

Sustainable Development

- Chapter 4 Achieving sustainable development
 - S3 Presumption in favour of sustainable development
 - S5 Principle of development outside settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 5 Meeting the challenge of climate change
 - CC2 Mitigation of climate change
 - CC3 Adaption to climate change

Delivering homes and support growth

- Chapter 6 Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO8 Providing affordable homes
 - HO9 Specialist forms of accommodation
- Chapter 10 Securing clean energy and water
 - W3 Renewable and low carbon energy development and electricity network infrastructure
 - W4 Water infrastructure

Creating high quality, sustainable places

- Chapter 12 Making effective use of land
 - L3 Achieving appropriate densities
- Chapter 14 Achieving well-designed places
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 15 Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts
 - TR8 Public rights of way
- Chapter 16 Promoting health communities
 - HC3 Community facilities and public service infrastructure serving new development
 - HC7 Development affecting existing recreational land and facilities
- Chapter 17 Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living conditions and pollution
 - P4 Impact of development on existing activities
 - P5 Maintaining public safety and security

Conserving and enhancing the environment

- Chapter 18 Managing flood risk and coastal change
 - F4 Assessing flood risk for decision-making
 - F8 Sustainable drainage systems and watercourses
- Chapter 19 Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N3 Trees in new development
 - N5 Maintaining the character of the coast
 - N6 Areas of particular importance for biodiversity and geodiversity

- Chapter 20 Conserving and enhancing the historic environment
 - HE4 Securing the conservation of heritage assets
 - HE5 Assessing effects on heritage assets
 - HE6 Proposals affecting designated heritage assets

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- 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
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- 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 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD
- Green Infrastructure Strategy (2019)
- Affordable Housing and Viability SPD (2019)
- Rural Facilities Survey and Settlement Pattern (2023)
- Local Housing Needs Assessment (LHNA) (2025)
- Housing Economic Land Availability Assessment (2023)
- Great Totham Village Design Statement (2020)

4.4 Great Totham Neighbourhood Plan (GTNP) (2022)

- GTO1 Spatial Strategy
- GTO2 High Quality Arcadian Design
- GTO3 Important Views and Setting of Totham Cricket Field
- GTO4 Green/Blue Wildlife Corridors and Wildlife Friendly Development
- GTO5 Recreational Disturbance and Mitigation
- GTO6 Energy Efficiency of Buildings and Renewables
- GTO7 Parking Provision
- GTO8 Pedestrian and Cycle Access
- GTO9 Expansion of Community and Leisure Facilities
- GTO10 Play Facilities in Totham North and Totham South

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the NPPF require planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 The LDP Proposals Map identifies that the site is located outside of the defined settlement boundary of Great Totham (South). Therefore, policies S1 (Sustainable Development) and S8 (Settlement Boundaries and the Countryside) apply along with policy S5 of the NPPF.
- 5.1.3 Policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption but still follows the approach of the current NPPF paragraphs 17 in considering the economic, social and environmental role of achieving sustainable development. This is assessed in more detail below. Policy S3 of the NPPF requires decisions on development proposals to apply a presumption in favour of sustainable development and in this instance, for a site outside of a settlement, policy S5 of the NPPF needs to be applied.
- 5.1.4 With regard to Local Plan, policy S8 of LDP, Great Totham (South) is defined as a 'larger village' in the settlement hierarchy table, and the policy identifies that *'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'*. Furthermore, the policy states that *'Outside of the defined settlement boundaries... planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'*. This means the proposed development would be unacceptable in principle and contrary to policy S8 as none of the policy exceptions listed in the policy would apply to a residential development. The Rural Facilities Survey and Settlement Pattern is more recent and an evidence base for a new Local Plan (2023) and also identifies Great Totham (South) as a 'larger village' based on the services and facilities it has to offer and it is the sixth largest settlement in the district with an estimated (2021) population of just under 3,000 people.
- 5.1.5 Policy S5 of the NPPF allows for only certain forms of development to be approved outside of settlements and requires approval unless the benefits are substantially

outweighed by adverse effects assessed against the national decision policies. Policy S5 (1) J i. of the NPPF is applicable and states:

Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

- i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;*

5.1.6 As stated below the Council has an unmet housing need and cannot demonstrate a 5YHLS. Point i. is engaged as the proposed development would be physically well related to the existing settlement of Great Totham (South), and from the information provided within this outline application, would be of a scale which can be accommodate taking account existing or provided availability of infrastructure, which can be provided in terms of on site improvements but also the infrastructure identified through the consultation process in regard to highway improvements for public transport, education, healthcare, and affordable housing provision.

5.1.7 In addition to the LDP and the NPPF, the GTNP through policy GTO1 (Spatial Strategy) requires new development to be focused within the settlement boundaries of North Totham and South Totham but the policy does allow for development proposals to meet local housing needs on sites that are outside of a settlement boundary subject to them meeting the following criteria, that:

- (i) it can be demonstrated that no available and deliverable site exists within the settlement boundary.*
- (ii) the site is well related to the settlement boundary, sharing a boundary on at least one side.*
- (iii) the site does not breach an existing defensible boundary, e.g. watercourse or main road, where there is not already development on both sides.*

5.1.8 In assessing the application against the above criteria for point (i) a scheme of ten dwellings could not be accommodated on any site within the existing settlement boundary because there are no available large areas of land to accommodate that quantum of development. With regard to point (ii) the site does partly share a boundary with the settlement boundary of approximately 100m where the site borders the rear gardens of a small number of houses in the development known as the 'Seagars'. In terms of whether it is 'well related', the site is located in area which is located close to the village hall, cricket ground, The Bull public house is within an short walk of other facilities and services in Great Totham (South). Lastly, with regard to point (iii) the site would not breach an existing boundary such as the development being on both sides of Maldon Road. For these reasons the proposal would not be considered contrary to policy GTO1 of the GTNP.

5.1.9 Furthermore, in regard to neighbourhood plans, policy S6 (Neighbourhood plans and the presumption) applies which states:

For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:

- a. *The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b. *The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).*

5.1.10 Having reviewed the GTNP and its spatial strategy (GO1), as applied above, the benefits of this proposal would substantially outweigh any conflict with the neighbourhood plan in terms of the principle of the development.

The Policy Position and the 5YHLS Position

5.1.11 Policy S2 (Strategic Growth) of the LDP plans for a minimum of 4,650 dwellings between the Plan's period of 2014 to 2029 with strategic growth to be delivered through urban extensions to Maldon, Heybridge and Burnham-on-Crouch. Outside of these locations the policy allows for housing through Neighbourhood Plans and a windfall allowance. A proportion of new development will be directed to the rural villages to support rural housing needs based on the settlement hierarchy approach, although there are no allocated sites in the current LDP for village extensions. As a consequence, a development such as proposed in this case would be considered as a 'windfall site' for the purposes of policy S2.

5.1.12 Policy HO7 (meeting the need for homes) requires that substantial weight is given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments (LHNA) prepared for the area of the Local Planning Authority and other relevant evidence.

5.1.13 Up until early December 2024, the Council was able to demonstrate a 5YHLS of 6.3 years. The 5YHLS is a requirement for Local authorities to identify and maintain a supply of land suitable for building a minimum of five years' worth of housing. This supply includes deliverable sites where homes can be built within that timeframe. As a result of the change in the methodology of calculating the housing needs of the District from the December 2024 version of the NPPF the Council cannot demonstrate a 5YHLS. This means that Maldon District needs to accommodate more housing than the requirements set out in policy S2 of the LDP, which states that 276 housing units per annum are required throughout the lifetime of the plan. The changes have given rise to a requirement of 583 housing units per annum (LHNA, 2025) and, given this position policy S2 can no longer be considered 'up to date' in terms of delivering the required housing. The default position is that development proposals will need to be considered on the basis of whether they are sustainable or not, in accordance with the policy requirements of the NPPF and policy S1.

5.1.14 It was established in a report to the Council on 12 February 2026 that the Maldon District Council 5YHLS stands at 4.1 years. This figure has been further disputed in recent planning appeals, including the Spratts Farm appeal (ref 6005664, decided on 18/08/2026) where the figure was disputed between the Appellant and Council, who respectively stated that it stands at 3.6 and 4.04 years. While an updated official figure has not been reached, it is acknowledged that it would fall below five years. Therefore, the tilted balance for the requirements of policies S3 (presumption in favour of sustainable development) and S5 of the NPPF S5 (1) J i. of the NPPF apply.

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

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

- 5.1.16 As stated above Great Totham (South) is considered as a location for strategic growth.

Sustainability

- 5.1.17 Given the decision at an extraordinary meeting of the Council on 17 June 2025 with the inclusion of Great Totham (South) as a strategic growth location, it is therefore considered that Great Totham (South) is a sustainable location to accommodate growth. However, consideration needs to be given to the NPPF's sustainability considerations and policy S1 in light of the titled balance in favour of sustainable development.
- 5.1.18 Consideration must be given to the Environmental, Social and Economic objectives as outlined in paragraph 17 of the NPPF with all three needing to be satisfied to achieve sustainable development for the 'presumption in favour of sustainable development' to apply.
- 5.1.19 Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate a five-year supply of deliverable housing at present this means that sites outside of the defined development boundaries could be assessed to be sustainable locations for development when applying the sustainability objectives of the NPPF. The Local Planning Authority (LPA) is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These are assessed below.
- 5.1.20 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.21 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment.
- 5.1.22 Policy TR3 (Locating development in sustainable locations) of the NPPF requires development proposals that generate a significant amount of movement to be located in sustainable locations that allow for a choice of transport modes of residents and users. Furthermore, the policy, for rural areas, looks for opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area, which should be taken where they exist and can be supported by the development proposed. Section 2 of this policy advises that the Connectivity Tool should be used in assessing connectivity of a particular locations proposed for development. With regard to applying the Connectivity Tool from NPPF policy TR3 the Maldon District is a rural area so most of the District does not score well when compared with excellent connectivity in town and city centres across the country. However, for this site it scores 41 and is in Band A so is in the top tier of the district in terms of transport connectivity and is considered to have good transport sustainability.

- 5.1.23 In terms of accessibility, Great Totham (South) includes a range of facilities and services. These include a primary school, a village hall, recreational grounds, a community hall, public houses, post office and store, and a nearby golf course.
- 5.1.24 In addition, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. The proposed new footway and cycleway within the site and the upgrade facilities proposed outside of the site would improve opportunities for walking and cycling from the site into the village and any proposals to improve pedestrian and cycle access will be supported through policy GTO8 (Pedestrian and Cycle Access). Great Totham has a bus route through the village along the Maldon Road (B1022) and there is a one hourly service for the number 75 service operated by First Bus that links to Maldon and Colchester. The nearest bus stop along the Maldon Road (B1022) also provides for 504 and 506 services. Within walking distance of the site there is also access to the number 90 service that links Maldon to Witham. Witham provides access to the nearest rail service at 4.5 miles away and can be accessed via the number 90 bus service. Witham railway station can be considered to be a 'well connected station' with regard to the definition of the NPPF, but this site is not within reasonable walking distance of the station and is reliant on private vehicle or public transport usage to access the railway station.
- 5.1.25 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.26 In terms of the economic dimension of sustainable development, the construction phase of the development would bring jobs to the area and the operational phase, when the dwellings are occupied would bring in new people who would spend money in the local area and benefit local businesses. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area. These are recognised as economic benefits of the proposed development.
- 5.1.27 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District including the provision of bungalows which are needed in the District to assist with the District's ageing population. The development would help create a new community at this site.
- 5.1.28 For the environmental objective, and subject to the technical assessment of each material planning considerations as detailed below, the proposed development would allow the opportunity for the delivery of a high-quality designed housing development that can benefit from the latest energy efficiency requirements to help tackle climate change. In addition, half the site would become a dedicated area of public open space which would also have the opportunity for ecology and biodiversity gain and on site surface water management measures to reduce flooding. As identified above the site is in a sustainable location for facilities, services and sustainable transport networks reducing to some extent the need for private vehicle usage.

Call for Sites

- 5.1.29 The site has been considered through the Council's 'call for sites' process. The outcome of this process found that the site is not suitable for a residential development of 300 houses due to its landscape impact.
- 5.1.30 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

Other Decisions and Appeal Decisions

- 5.1.31 On the northern side of Maldon Road directly opposite the site an outline planning application (reference 21/01330/OUT) for the erection of up to 80 dwellings was refused planning permission by the Council in June 2022 and then dismissed on appeal in February 2023. The appeal was dismissed with Inspector reaching a conclusion that *'the high level of harm to the character and appearance of the surrounding area, combined with the harm to the setting of the nearby Listed Buildings that would be generated by the proposal are such that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits'*.
- 5.1.32 Directly to the south west of the site on land opposite 34 Hall Road a planning application (reference 20/00428/FUL) for 30 dwelling was granted planning permission but this site has a planning history and of significance is reference 16/00289/OUT being refused planning permission by the Council in October 2016 and then being allowed on appeal in March 2017 with the Inspector not objecting to the principle of the development nor finding the proposal harmful to the character and appearance of the area. It should be noted that this site does not have the same landscape impact that the application site has on the character and appearance of the area.
- 5.1.33 Not within Great Totham (South) but nearby in Wickham Bishops on land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings (reference 24/00005/OUTM). In allowing the appeal the Inspector gave substantial weight to the Council's 5YHLS position and the provision of affordable housing and only moderate harm to the character and appearance of the area. This was considered to outweigh harms of the visual effect upon the immediate area. The Inspector in deciding the appeal stated that *'I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole. On this basis, the scheme would benefit from the presumption in favour of sustainable development and permission should be granted'*.

Loss of Agricultural Land

- 5.1.34 Local Plan Policy D2(11) states that *"development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor-quality land should be prioritised over higher quality land"*.
- 5.1.35 NPPF Policy N2(b) requires development to *"take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible"*.
- 5.1.36 Natural England's Provisional Agricultural Land Classification (ALC) places the Site within an area of Grade 3 agricultural land. The vast majority of the 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.
- 5.1.37 The Agricultural Land Classification identifies that the whole site is land that is Grade 3 agricultural land which is classed as 'good to moderate' but the site measures 15 hectares and is significantly lower than the 20 hectare threshold set out in legislation for consulting Natural England on the loss of such graded agricultural land. Therefore, whilst there is a loss of agricultural land the proposal would not result

significant development of agricultural land based on the site area to warrant grounds for refusal or a conflict with LDP policy D2(11) nor NPPF policy N2(b) as this is not the best and most versatile agricultural land based on Agricultural Land Classification.

- 5.1.38 It should be noted that the Inspector's stance in the recent appeal decision for application ref 25/00578/OUTM (Land west of the cemetery, Maldon), where 18.4ha of Grade 3a BMV land was noted as being abundant in Maldon by the Inspector, who concluded that wherever new development takes place it would likely need to use land of similar quality, stating (appeal decision Paragraph 58) that *"given the size of the site in relation to the area of land in the district under cultivation, I do not consider that it would materially reduce the productivity of the wider area"*.
- 5.1.39 Given this assessment it is considered that the proposal would not result in the loss of the 'best and most versatile agricultural land' given its grading to be contrary to the requirements of LP policy D2(11) nor NPPF policy N2 (b).

Summary of Principle of Development

- 5.1.40 The proposed development outside of the settlement boundary, is therefore contrary to LDP policy S8 and would result in the loss of agricultural land. However, the housing-supply shortfall, the site's physical relationship to Great Totham (South) and the compliance with the requirements of NPPF policy S5(1) (j) (i) so the tilted balance through the presumption in favour of sustainable development as required by NPPF Policy S3 is applied. For the reasons explained above the site is considered to be located in a sustainable location as an extension to the village which provides good a range of facilities, services and various transport modes/links for accessibility. This position along with the Council's intentions for Great Totham (South) as a strategic growth option furthers assists in identifying that the principle of the development is acceptable.
- 5.1.41 The next steps in the assessment are to consider the other material considerations as set out below.

5.2 Housing Mix and Affordable Housing

Housing Mix

- 5.2.1 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.
- 5.2.2 The current version of the Local Housing Needs Assessment (LHNA) was produced in September 2025. The 2025 LHNA provides the most up-to-date evidence concerning housing mix for the District and is a material consideration in planning decision making.
- 5.2.3 Policy GTO1 of the GTNP requires development proposals to meet identified local housing needs, which is where the current version of the LHNA is applicable to the District's requirements.
- 5.2.4 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and

Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

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

Table 9.18 Suggested size mix of housing by tenure – Maldon District

	Market	Affordable home ownership	Rented affordable housing
1-bedroom	5%-10%	15%-20%	25%-30%
2-bedrooms	30%-35%	40%-45%	30%-35%
3-bedrooms	35%-40%	30%-35%	25%-30%
4+-bedrooms	20%-25%	5%-10%	10%-15%

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

Table 2 - Suggested housing mix based on the LHNA 2025

	1 bed	2 bed	3 bed	4+ _beds
Market	10%	35%	35%	20%

- 5.2.7 As this application is in Outline application, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA as set out above and is not just in 'broad compliance'. The Planning Statement makes reference to the provision of bungalows on site to help provide a range of housing.

Affordable Housing

- 5.2.8 LDP Policy H1 requires that all housing developments of more than ten units or 1,000 sqm contribute towards affordable housing provision to meet identified local need and address the Council's strategic objectives. The site is located in an area where the approved LDP requires 40% of units to be affordable.

- 5.2.9 NPPF Policy HO8 (providing affordable homes) point 1 requires that development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location. Point 3 of the policy requires that where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties, a flexible approach should be taken to the application of any development plan requirements relating to the number of bedrooms provided in market homes, taking into account prevailing market conditions.
- 5.2.10 Access to good quality and affordable housing remains a significant issue for residents of the District. The LHNA 2025 confirms that affordability pressures have increased, with the median house price now standing at over 11 times average income and a significant proportion of households unable to access market housing. The rising cost of living, including fuel and food, has further exacerbated affordability challenges, and the number of households in need of affordable housing is likely to have grown since the adoption of the LDP. The LHNA 2025 identifies a net annual need for 284 affordable homes, with 71% of this need focused on rented provision.
- 5.2.11 The Planning Statement confirms that the proposal would provide 40% affordable housing (68 affordable homes) on site.
- 5.2.12 The LHNA 2025 recommends a tenure split of 70% affordable/social rented and 30% affordable home ownership (intermediate housing), subject to viability. However, paragraph 7.69 of the LHNA 2025 recognises that the Council must consider both relative levels of need and viability when determining tenure mix. While providing Affordable Home Ownership (AHO) may improve viability and allow more units to be delivered, households requiring rented housing, particularly social rented, have more acute needs and fewer housing options. This is supported by the latest data in the Housing Register provided by the Council's Housing Officer consultation who is requiring the proposed tenure mix be revised to 75% affordable/social rented and 25% intermediate affordable housing to better reflect acute local need and ensure compliance with Policy H1 and the LHNA 2025 principles. The applicant has agreed to the revised tenure split of 75% rented / 25% intermediate, which is considered justified and policy compliant.
- 5.2.13 A s106 Agreement would secure the following:
- Delivery of 40% affordable housing (minimum 60 dwellings) with a 75% rented / 25% intermediate tenure split;
 - Provision of affordable home ownership products in line with national policy;
 - 5% of market dwellings and 10% of affordable homes to meet M4(3) standards
 - Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England;
 - Gross costs (rent/service charge) to be within the Council's Strategic Tenancy Strategy;
 - All affordable units to meet Nationally Described Space Standards;
 - An Affordable Housing Scheme detailing tenure, cost, and allocation of units to be agreed with the Council.
- 5.2.14 On the basis of the above, the proposed development would be compliant with Policy H1 of the LDP, NPPF policy HO8 and the recommendations of the LHNA 2025, with the revised tenure mix justified by acute local need and Housing Register evidence.

- 5.2.15 In accordance with LDP Policy H2 a condition will be applied to ensure that the development will provide affordable housing in clusters of no more than 15 to 25 dwellings in any single part of the site.

5.3 Design Considerations and Landscape and Visual Impact

- 5.3.1 Policies D1, H4 and S1 of the LDP and Policies DP3, DP4, L3 and N2 of the NPPF seek to ensure that new development is well designed, responds positively to its surroundings and creates safe, inclusive and attractive places. Development should make efficient use of land while providing a coherent arrangement of buildings, streets, open spaces, landscaping and pedestrian routes. It should also safeguard the living conditions of existing and future occupiers and provide an appropriate standard of private and communal amenity space. The MDDG provides further guidance on layout, movement, built form, landscape structure, parking and the relationship between public and private space.
- 5.3.2 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- 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.
- 5.3.3 Policy GTO2 (High Quality Arcadian Design) of the GTNP requires residential development to demonstrate high quality design and layout which respects the 'Arcadian' nature of local character of the village. The Great Totham Village Design Statement 2020 has been developed by a Sub-Group of the village's Neighbourhood Plan Steering Group (NPSG) as part of the Neighbourhood Plan process. It seeks to support the Plan and to identify and record the major characteristics of Great Totham and its appearance.
- 5.3.4 LDP Policy D2 requires all development to minimise its impact on the environment by incorporating energy efficiency to help address the impact of climate change. Policy GTO6 (Energy Efficiency of Buildings and Renewables) of the GTNP requires new development to demonstrate how the design of buildings and site layouts minimise consumption of energy, water, minerals, materials and other natural resources in order to provide resilience to the effects of climate change.
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

Layout

- 5.3.6 As an outline application 'layout' is not for determination and will be determined through a future reserved matters process. The site would provide 8.75 ha of open space land and 6.75 ha of residential land. The parameter plan shows land use

zones including designating the western half of the site for residential development, the northwest corner of the site adjacent to the access road into the site as land for a community use or medical centre and an area of public open space incorporating a children's play space. Adjacent to the residential land zone is the Bull Brook which would remain uninterrupted by the development other than a designated footpath shown to run alongside the brook. From the parameter plan the eastern half of the site would include a large area of public open space with footpaths, another children's play space and surface water drainage features. The footpaths would provide a link to PRow 25 that runs along the eastern site boundary. The ancient woodland to the south would remain uninterrupted by the development.

- 5.3.7 In a more detailed layout form the illustrative concept masterplan provides information showing how the site could be laid out.
- 5.3.8 LDP Policy H4 requires all development to be design led and have optimised use of land. NPPF policy L3 looks to achieve appropriate densities and make efficient use of land. For land at the edge of existing built areas development footprints should make the best use of the site's development potential, although at outline stage no details of building footprints are included within this application. With regard to density, the proposal would have an overall gross density of the development of 11.3 dwellings per hectare (dph). The net density for the residential land area is more intense with the residential zones having a 25-30 dph housing density and this reflects the density levels of the neighbour developments within the existing settlement and is therefore part of the established pattern of development in the village.

Scale and Appearance

- 5.3.9 As an outline application 'scale' and 'appearance' are not for determination and will be determined through a future reserved matters process. The parameter plan shows two different zones of heights and storey heights. One of the zones shows residential development up to 1 storey in height (6m max height) and the other larger residential zone shows residential development up to 2 storeys in height (9.5m max height). These height limits would be secured through an approval of this parameter plan.
- 5.3.10 The applicant's Design and Access Statement (DAS) includes details of built form, heights, street hierarchy cross sections and frontages that help to show how the development can be built out and these principles shall be conditioned to influence the future reserved matters. Whilst not included within this application the reserved matters provide the opportunity for energy efficient buildings and the use of renewable energy installations to help address the impact of climate change.

Open Space, Amenity and Landscaping

- 5.3.11 LDP Policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats. Policy GTO10 (Play Facilities in Totham North and Totham South) of the GTNP supports opportunities to improve facilities and provide new facilities providing these are sympathetic to the natural setting and the landscape character of the area.
- 5.3.12 As an outline application 'landscaping' is not for determination and will be determined through a future reserved matters process. The parameter plan and illustrative concept masterplan includes 8.75 ha of informal and formal open space within the site mainly to the eastern half of the site but also an area towards the north western

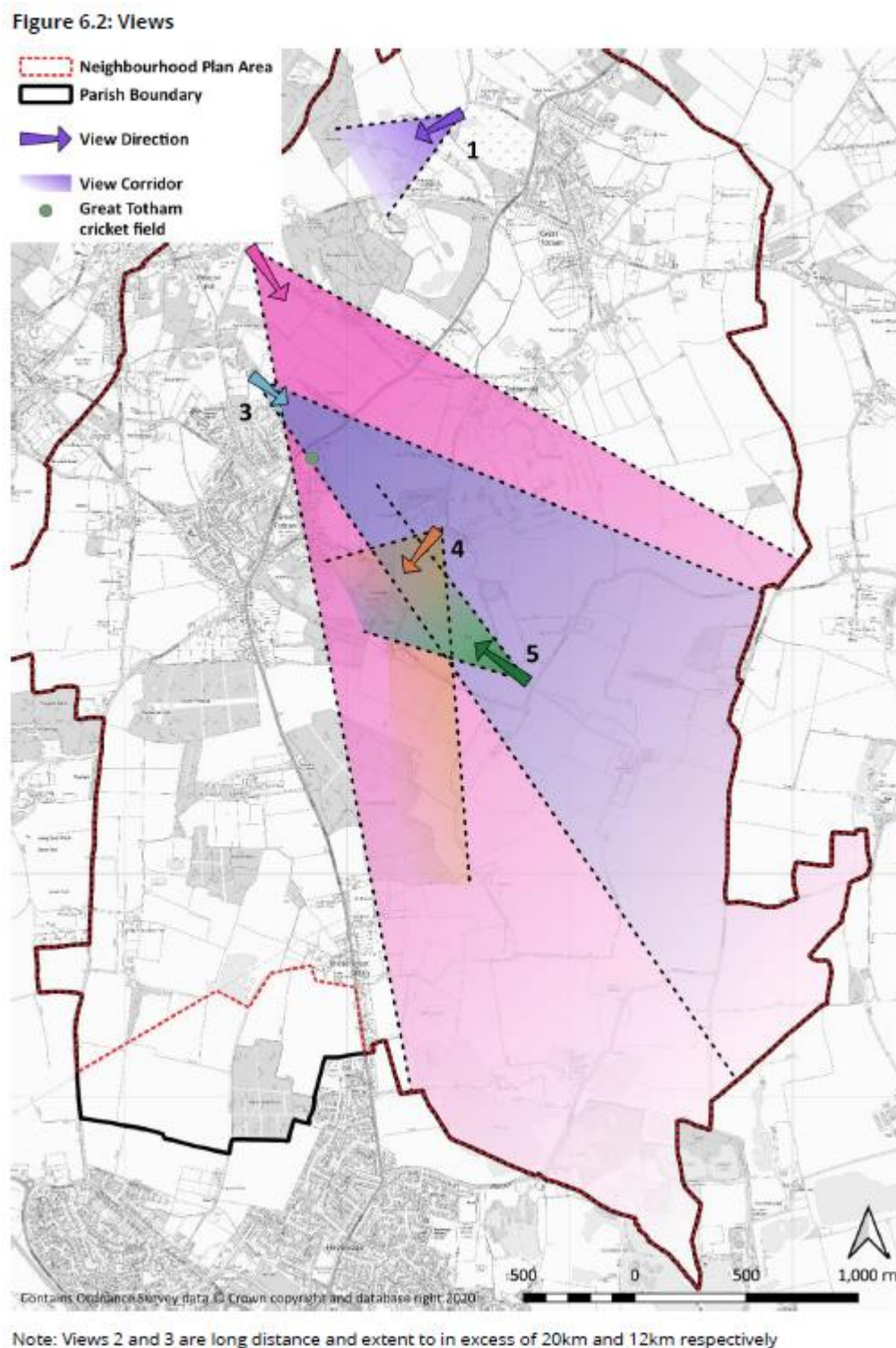
corner of the site. These plans also identified two children play space areas (are these LEAPS (Local Equipped Areas of Play)).

- 5.3.13 Given the size of the site and the number of dwellings proposed, whilst the housing mix is not known at this stage, it is anticipated that the layout of the site could be developed as proposed and comply with the minimum private amenity space standards referred to above and with properties of sufficient size including back-to-back distances which would provide an adequate quality of life and living conditions for the future occupiers.
- 5.3.14 The applicant's DAS explains the landscape strategy identifies a detailed planting scheme and the use of the surface water drainage attenuation basins as part of the landscape features of the site. The planting strategy shows wetland meadows and planting for the attenuation basins, wildflower grass, native hedgerow and tree planting.
- 5.3.15 There are no trees subject to Tree Preservation Orders (TPOs) within the site. The Arboricultural Appraisal identifies the majority of tree cover is along the linear boundaries of the site and the designated ancient woodland of Spickets Wood, which would remain unaffected by the proposal and include a 50m buffer. An additional 10m buffer would be provided along Bull brook. There are Category B trees around the boundaries of the site including oak and ash trees. The remaining trees, groups and hedges are of low arboricultural quality. The only areas where tree removal would occur would be at the front of the site where the proposed access is proposed. Having reviewed the application, the Place Services Tree Consultant has no objections subject to a condition requiring the retention and protection of existing trees and soft and hard landscaping to be agreed.

Landscape and Visual Impact

- 5.3.16 LDP policy S1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements.*
- 5.3.17 From assessment work from the call for sites for this site it recognised that *'the main issue with the site is its effect on the wider landscape'* and that *'developing the site would impact on this wider landscape view and there does not seem to be a way to mitigate that'*. Furthermore, it was stated that *'with regard to the townscape, the site does lie adjacent to the village but not entirely so does not quite fit into the wider townscape of the area. This would amount to a significant amount of harm owing to the loss of the rural character of the area'*.
- 5.3.18 Policy GTO3 (Important Views and Setting of Totham Cricket Field) of the GTNP and the preamble to the policy identifies a number of important viewpoints in the Parish. The viewpoints contribute to the character and appearance of the neighbourhood area. The policy requires the design, scale, massing and layout of development proposals should respect the identified key views and should not unacceptably impact from their significance in the neighbourhood area. The policy also states that *'Development should take account of the setting of Totham cricket field (as shown on Figure 6.2). Any development proposals adjacent or close to the cricket field should be designed and arranged in a manner which would safeguard the setting of the cricket field and keep any impacts to the minimum necessary to achieve the delivery of the development proposed'*.

5.3.19 From the preamble to policy GTO3 the views are shown on the image below and a number of these are affected by the location of the proposed development:



5.3.20 The table below identifies the following relevant viewpoints in regard to the site:

Number	Viewpoint location
2	View from Beacon Hill in Goat Lodge Road
3	View south-east towards Goldhanger and Osea Island
4	View from the footpaths close to Spickets Wood
5	View towards St Peter's Church and along Church Road

5.3.21 NPPF policy N2 on improving the natural environment requires development proposals to consider landscape character and the natural beauty of the countryside. The policy also requires development proposals to conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible and use green infrastructure provided as part of the scheme and nature-based solutions. NPPF policy N5 on maintaining the character of the coast requires that development proposals should maintain the character of undeveloped areas of coast, including land designated for its landscape, habitat or heritage value, while improving public access to it where appropriate. The site is not directly on the coast of the River Blackwater and is in land, away from the river but as identified above there are extensive views towards the undeveloped coast from within the Parish of Great Totham at the viewpoints identified.

5.3.22 At a local level, the Essex Landscape Character Assessment (2003) locates the site within the 'LCT D: Wooded Hill and Ridge Landscapes' and 'LCA D4: Tiptree Ridge' Landscape Character Area. The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) locates the site within the 'LCT F: Wooded Farmland Landscapes' and 'LCA F3: Totham Wooded Farmland' Landscape Character Area (LCA). The key characteristics for this character area are in *italics* and include:

- *Wooded ridges and hillsides to the east of the River Blackwater.*
- *Predominantly agricultural fields enclosed by woodland patches or hedgerows with mature trees.*
- *Field boundaries vary; some thickly enclosed, as at Beacon Hill; some more open with gappy hedges.*
- Interest created by colour-washed buildings both in villages and scattered in the landscape.
- Visual Characteristics
- *Long distance views to drained estuarine marshes from Mountain Road leading into Great Braxted*
- Timber church steeples are a feature within the landscape, but few churches are on high ground and are often tucked into the wooded landscape.
- *Some open views to the valley below, but more often the views are short distances, over fields and buildings framed by the wooded ridges.*
- New residential development on Hall Road, Great Totham is visually out of character with surrounding landscape in terms of colour, style and density of the settlement.

5.3.23 In addition to the policy and landscape character assessments, the appeal decision at the site to the northern side of Maldon Road, directly opposite the site, where up to 80 dwellings was refused planning permission by the Council in June 2022 and then dismissed on appeal in February 2023 (reference 21/01330/OUT), is relevant to the landscape considerations. In assessing the impact upon character and appearance the Inspector reached the conclusion that *'the proposed development would appear suburban, which would erode the existing rural character. Given the extent and number of locations where the development would be experienced, the level of harm that would emanate would be of the highest order'* and would conflict with local and neighbourhood plan policies.

5.3.24 The applicant's LVIA recognises the local landscape's low-lying landform, the established network of vegetation, existing built form, and proposed landscape mitigation all contribute to the development's integration within the surrounding

environment. In response to this the proposal includes a focus on open space, substantial native tree and hedgerow planting, and the incorporation of Sustainable Drainage System (SuDS) features.

- 5.3.25 With regard to the assessment of the impact of the development upon landscape effects, the appraisal has identified that the proposals would result in a major/moderate and negative effect on the sloping arable and pastoral fields landscape receptor, as the proposed development would introduce new homes to an area of open fields, albeit that the character of these fields is already partly influenced by the existing settlement edge to the west and by the Maldon Road to the north. Lesser impacts would result upon Spickets wood what would have a moderate/minor and positive impact. When considering the effects of the proposals upon the localised area of LCA F3, Totham Wooded Farmland, it has been concluded that effects would be Moderate/Minor and negative, as there would be no significant change to the overall character and composition of this landscape. The effects upon adjacent character areas to the south would be either minor or negligible.
- 5.3.26 The conclusion of the LVIA on landscape effects is that the effects on the local character area would not change the key characteristics of that landscape, nor significantly alter settlement form or key views.
- 5.3.27 With regard to the assessment of the impact of the development upon visual amenity, the LVIA includes a number of viewpoints used to help assess the sensitivity, susceptibility and value of the landscape in this location. Three of the viewpoints (1, 2 and 13) have been used to produce photomontages to show the site at years 1 and 15. The LVIA refers to the site being *'well contained and not visually obtrusive from publicly accessible locations'*. Reference is made by a change in topography and the existing settlement edge of Great Totham which is to the south and west of the site. From the north and east the LVIA considers that the intervening vegetation and undulating landform provide further visual containment. The LVIA recognises that there are longer views of the site from the west and north but explains that these will decrease rapidly with distance from the site's edge.
- 5.3.28 The LVIA's visual assessment concluded that major/moderate effects would be concentrated on receptors in the immediate locality of the site. All other visual effects would be moderate or less and are considered to be less important planning considerations. It is therefore concluded that the development respects the setting of the cricket field and the key views, and that there would not be unacceptable levels of impact upon any of these views.
- 5.3.29 The LVIA's approach mitigation includes ensuring building heights to the east of the village hall and cricket ground are reduced to bungalows and a new orchard, tree planting where buildings are set back from Maldon Road, increased native planting on both sides of Bull Brook at the northern boundary of the site, new woodland planting and hedgerow planting.
- 5.3.30 To assist in the assessment of landscape and visual impact an independent landscape consultant was appointed to review the applicant's LVIA. This work was undertaken by WWA Landscape. Their initial landscape assessment work identified a number of limitations in the methodology and an omission of not including Viewpoint 4 referred to in policy GT03 of the GTNP which is relevant to the setting of the cricket ground.
- 5.3.31 In response to this, the applicant's landscape consultant provided a response addressing the methodology issues and explaining why Viewpoint 4 was not

considered because it faces away from the site as shown in the plan included in policy GT03 of the GTNP. Whilst Viewpoint 4 was not considered, the applicant's landscape consultant has included more relevant views, points 12 and 13 on Hall Road and Church Road within their LVIA immediately to the south of the site and looking directly towards the site, which it is stated to provide a more appropriate landscape and visual assessment of the site. The applicant's landscape consultant viewpoint 13 is taken from a National Cycle Route so is recognised of high value for receptors in landscape and visual impact assessment terms. Viewpoint 1 in the applicant's LVIA has assessed the visual effects of the proposal upon the setting of the cricket ground including a year one and year 15 photomontage.

5.3.32 Following the applicant's landscape consultant response the independent landscape consultant provided an addendum. This considered that the LVIA does not explicitly address the contribution of the application site to this experience or to views towards the cricket ground from the surrounding landscape and as such, it is considered that there remains some residual harm to the objectives of Policy GT03 that is not explicitly acknowledged within the applicants LVIA. A further concern relates to the reliance placed upon the creation of new viewpoints within the proposed public open space but there is no visual evidence has been provided to demonstrate the views that would actually be available from these locations. If this had been provided it is considered likely that it would experience major/moderate adverse visual effects, reducing to moderate adverse effects following establishment of mitigation as set out in the table below. Whilst this would indicate some harm to the objectives of Policy GT03, the level of harm would likely not, in isolation, justify refusal of the application on landscape and visual grounds.

5.3.33 The table below identifies the following relevant viewpoints from the GTNP and the assessment of the impact upon these:

Number	Viewpoint location	Applicant's Landscape Consultant's Assessment	Independent Landscape Consultant's Assessment
2	View from Beacon Hill in Goat Lodge Road	No change as the proposal would be completely screened by existing intervening vegetation	Accepted
3	View south-east towards Goldhanger and Osea Island	No change as the proposal would be completely screened by existing intervening vegetation	Accepted
4	View from the footpaths close to Spickets Wood	This view faces south west so it does not face the site, it faces away from the site so no impact	It is likely that this would experience major/moderate adverse effects at Year one, reducing to moderate adverse effects at Year 15
5	View towards St Peter's Church and along Church Road	There would be a slight magnitude of change in year one, becoming negligible in year 15.	Accepted

5.3.34 The independent landscape consultant's addendum accepts that the LVIA broadly follows the principles of GLVIA3. It is also accepted that the proposed scheme has evolved in response to landscape and visual considerations, resulting in a reduced development footprint, substantial areas of public open space, and a strengthened landscape framework. These measures represent a positive response to the site and

are consistent with good practice. There also remains broad agreement regarding the principal landscape and visual effects identified in the LVIA, including the conclusion that the most significant effects would be concentrated on the site itself and a limited number of nearby visual receptors.

5.3.35 The independent landscape consultant concludes:

The concerns relating to NDP View 4, the wider setting of the cricket ground and the uncertainty surrounding the proposed replacement viewpoints should be considered as part of the overall planning balance. However, these concerns do not materially change the overall conclusion that the residual landscape and visual effects of the scheme are unlikely to provide sufficient justification for refusal on landscape grounds alone.

5.3.36 For these reasons the proposal would not warrant grounds for refusal and therefore would not be considered contrary to LDP policies S1 and S8, policy GTO3 of GTNP and has considered the requirements NPPF policies N2 and N5.

Conclusion to this section

5.3.37 In summary, layout, scale and appearance, open space, amenity, landscaping and the landscape and visual impact has been assessed and is not considered contrary to LDP policies, nor policies in the GTNP nor the latest NPPF.

5.4 Heritage Impact

5.4.1 LDP Policy D3 requires:

Development proposals that affect a heritage asset (whether designated or non-designated) and / or its setting will be required to:

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

5.4.2 NPPF policies HE4, HE5 and HE6 require heritage significance to be understood and conserved in a manner proportionate to its importance. For NPPF policy HE5 identifies the testing criteria assessing the potential effects of development proposals on the significance of the heritage asset, these are positive effect, no effect, result in harm (level of harm to be identified) or would cause total loss of the significance of a heritage asset.

5.4.3 There are no heritage assets on site. The applicant's Planning Statement identifies that the proposed development would have some level of visibility from the Bull Public House, but the Council's Conservation Officer has advised that there would not be any adverse impact upon the setting of this listed building from the proposal.

5.4.4 The Honywood School building to the south of the site is significantly distant from the site and therefore its setting is also not affected by the proposal.

- 5.4.5 The Council's Conservation Officer has advised that the village hall possesses a moderate degree of local heritage significance because of its architectural, historic and communal value. As there is no important historic relationship with the hall and the application site, the level of harm is low and as a non-designated heritage asset it does not carry any great weight in the planning balance.
- 5.4.6 As an undeveloped field the site has potential for archaeological deposits. Place Services Archaeology raise no objection subject to conditions requiring a programme of archaeological investigation in accordance with a written scheme of investigation, followed by the implementation of a fieldwork programme and a post excavation assessment.
- 5.4.7 Subject to the mitigation for archaeology investigations being secured through a planning condition there are no objections raised to the application with regard to the impact upon heritage assets having regard to the assessment criteria of LDP policy D3 and NPPF policies HE4, HE5 and HE6.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T1 supports measures which secure sustainable transport for new development, give priority to active and sustainable transport over private vehicles, improve access to railway services, and new bus/DRT (Demand Responsive Transport) services, provide high-quality pedestrian and cycle networks, provide integrated public transport information and ease congestion.
- 5.5.2 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 maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 NPPF policies TR3, TR4 and TR6 require development to be focused in sustainable locations and to provide safe and suitable access for all users. Refusal on transport grounds is appropriate only where there would be an unacceptable impact on highway safety or a severe residual cumulative impact on the road network.
- 5.5.4 Relevant policies from the GTNP include GTO7 on Parking Provision encouraging the use of car ports and communal parking, and policy GTO8 for Pedestrian and Cycle Access promoting such improvements.

Access

- 5.5.5 This application is submitted with all matters reserved, except for access which is considered in detail as part of this application. Other matters such as the internal site layout, including car and cycle parking provision would be addressed via subsequent reserved matter applications should outline consent be granted.
- 5.5.6 The application is supported by a Transport Assessment (TA) which includes details of the access, visibility splays and trip rates. The proposed access arrangement would form a bellmouth junction onto the public highway in a central location within the site with plans showing the visibility splays and vehicle tracking. Upgrades to the

existing footway would result in the widening of the footway on both sides of the junction.

- 5.5.7 Within and further along to the west of the site the plans show the proposed shared footway cycleway plan (TRP-00218-DR-006 Rev D) upgrades increasing these to 3m wide and providing new crossing points for access to the village green at the junction of Maldon Road and Staples Heath, and path across the grass verge opposite The Bull public house.
- 5.5.8 The proposed access arrangements have been assessed by the local highway authority (Highway Authority), at Essex County Council (ECC) and through a Stage 1 Road Safety Audit and no objections are raised to the proposed access arrangements and improvements.
- 5.5.9 In terms of pedestrian access, the proposed shared footway cycleway plan (TRP-00218-DR-006 Rev D) shows a footway to the north east of the access which would along the front of the site providing pedestrian access either side of the access along with upgrade works for a pedestrian and cycle path and new crossing points for access to the village green at the junction of Maldon Road and Staples Heath, and path across the grass verge opposite The Bull public house.
- 5.5.10 The proposed works and improvements would accord with LDP policies T1 and T2, GTNP policy GTO8, and NPPF policies TR3 and TR4.

Vehicle Movements and Highway Impact

- 5.5.11 The applicant's TA has undertaken traffic survey work and using the existing traffic information. The TA has identified that a total of 78 car journeys arriving and departing the site would take place during the AM peak (8am to 9am) and 82 journeys arriving and departing the site would take place during the PM peak (5pm to 6pm). In addition to this there would be other journeys through walking, cycling, bus and taxis. The future traffic impact and mitigation has been modelled and assessed for a number of junctions in the area and this has taken account of existing and committed development (development at Westcombe Park). The TA assessment work on this identifies that for all junctions the Ratio of Flow to Capacity (RFC) operates without significant impact to the highway. This TA assessment work also takes into account the proposed shared footway/cycleway improvements and Travel Plan would not result in a 'severe' impact upon the road network.
- 5.5.12 The TA identifies that the development can be delivered without significant detrimental impacts to the highway network and that assessment has taken account of existing committed development in the area. The Local Highway Authority has no objections to the vehicle movements or associated highway impacts and therefore this would accord with LDP policies T1 and T2 and NPPF policy TR6.

Parking

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

GTNP policy GTO7 (Parking Provision) encourages the use of car ports and communal parking but as an outline application no details have been provided with this outline application, and such details would come through the reserved matters application.

Travel Plan and Passenger Transport Considerations

- 5.5.14 The application includes a Travel Plan that sets out a range of measures to reduce single occupancy car trips to/from the development by promoting the use of sustainable modes of travel (walking, cycling and public transport) and car sharing. A Travel Plan Co-ordinator would be appointed to produce, implement, update and monitor the Travel Plan. In addition to this Residential Travel Information Pack, as also required by the Highway Authority, would be issued to each household and this includes details on walking, cycling, electric vehicles, buses, trains, taxis, car sharing, car clubs, electric vehicle charging, school transport and travel information. The local highway authority requires an updated travel plan with an annual monitoring fee of £1,817 per year from year one until final occupation. In addition to this a planning condition to secure provision of Residential Travel Information Pack for each dwelling is also sought.
- 5.5.15 The Highways Authority's consultation response requires a £480,000 financial contribution towards improving public transport links between the site and other local destinations including Maldon, Tiptree and Colchester. This planning obligation would be achieved through a s106 legal agreement if the application were to be approved.
- 5.5.16 The Local Highway Authority have no objections to this which would therefore accord with LDP policies T1 and T2 and NPPF policy TR6.

Conclusion to this section

- 5.5.17 The Highway Authority has no objections to the application subject to planning conditions and planning obligations. This includes conditions requiring a Construction Management Plan, clear to ground visibility splays, access dimension requirements, extension of existing footway and cycleway into the site and across the site frontage from the cricket ground, upgrading of bus stops, provision of a traffic regulation order, provision of Residential Travel Information Packs, and an upgraded travel plan. Planning obligations for annual monitoring fee of £1,817 for travel plan monitoring and £480,000 towards improving public transport links between the site and other local destinations including Maldon, Tiptree and Colchester. Active Travel England require their standing advice to be followed on promoting pedestrian access, cycling and travel planning.
- 5.5.18 Subject to planning conditions and planning obligations being imposed and secured there are no objections to the application in terms of highway considerations having regard to LDP policies T1 and T2, GTNP policies GTO7 and GTO8, and NPPF policies TR3, TR4 and TR6.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.

- 5.6.2 The site lies within Flood Zone 1 which means it is at the lowest risk flooding and is not at risk from surface water flooding or any sources of flooding from the Council's Strategic Flood Risk Assessment (SFRA). In accordance with the guidance in the NPPF and Planning Policy Guidance (PPG) there is no requirement for the Sequential and Exception Tests to be undertaken on this basis.
- 5.6.3 Due to the site area being more than 1ha, a Flood Risk Assessment and Conceptual Drainage Strategy (FRA) has been submitted as part of the application. The applicant's FRA identifies the topography of the land to range between 46.5m AOD (Above Ordnance Datum) at the highest point on site in the north west part of the site and this falls to 27.5m AOD at the south east side boundary. The FRA identifies that all sources of flood risk have been assessed to be 'very low' apart from surface water due to existing surface water pathways on site that drain into Bull Brook that identify the flood risk level to be 'low to high risk'.
- 5.6.4 Within the site the FRA states that attenuation basins would provide surface water storage and these are shown on the parameter plan to be located in the eastern half of the site where there are existing surface water pathways on site that drain into Bull Brook. None of the developable areas to the west of the site are located within a high-risk surface water drainage area. The intention of the proposal is for a swale to be created and incorporated alongside roads to manage surface water run off and discharging at a the 1 in 1 year greenfield run off rate and this mitigation would change the flood risk level to 'low risk'. The Lead Local Flood Authority (LLFA) at ECC has no objections subject to planning conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements. The provision of surface water systems is a requirement of policy F8 of the NPPF, and the information provided satisfies this requirement.
- 5.6.5 Foul drainage would be pumped and connected to the existing public sewer systems. Anglian Water has also raised no objections to this.
- 5.6.6 Overall, no objections are raised on flood risk and drainage grounds and mitigation is identified and can be secured through the use of planning conditions having regard to the requirements of policy D5 of the LDP and the policy F8 of the NPPF as well as the guidance in the PPG.

5.7 Ecology and Biodiversity

- 5.7.1 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.2 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.3 Relevant policies from the GTNP include GTO4 Green/Blue Wildlife Corridors and Wildlife Friendly Development and GTO5 Recreational Disturbance and Mitigation.
- 5.7.4 NPPF policy N2 sets out a number of considerations that development proposals need to consider including habitats, ecological networks biodiversity net gain as well as minimising the impacts upon biodiversity and features that support priority or

threatened species through mitigation and enhancement. NPPF policy N6 recognises sites of international, national and local importance setting out criteria to ensure development proposals do not adversely affect the integrity of these areas and designations.

- 5.7.5 The development has the potential to impact both on-site and off-site nature conservation interests.

On Site Ecology and Biodiversity Net Gain (BNG)

- 5.7.6 The applicant's Ecological Appraisal states that the site is dominated by large open arable field with grass margins and associated boundary features. Features of ecological importance include the woodland, hedgerows, tree lines, scrub and watercourse. The majority of the hedgerows and lines of trees are to be retained, alongside all of the woodland and the watercourse. These retained habitats and will be protected during construction. A hedgerow, select areas of scrub and trees at the northeastern boundary will be removed to facilitate access. This will be compensated for by new, native species-rich hedgerow planting. The remaining habitats within the site are not considered to form important ecological features and their loss to the proposals is of negligible significance.
- 5.7.7 With regard to protected species, the site generally offers limited opportunities for protected species, largely restricted to field boundaries and the area of ancient woodland, additionally the development is predominantly located in areas of negligible value. Evidence of bats and birds have been recorded on site. Appropriate mitigation measures, centred sensitive lighting on the careful timing of works, would therefore need to be implemented to safeguard bats and nesting birds during relevant site clearance works. Long-term nesting and roosting opportunities will be maintained, if not enhanced, under the proposals through new landscape planting and provision of nest boxes and roost boxes as ecological enhancements along with wildflower grassland, trees and scrub planting.
- 5.7.8 With regard to BNG, the application includes a BNG Assessment which proposes BNG in excessive of 10% to meet with the BNG requirements. This is demonstrated as 27% gain in habitat units, 125% in hedgerow units and 13% watercourse units with the ecological enhancements explained above.
- 5.7.9 Place Services Ecology raise no objection subject to conditions requiring Ecological Appraisal recommendations to be implemented, a Farmland Bird Compensation Strategy, a Construction Environmental Management Plan (CEMP) for Biodiversity, a Biodiversity Enhancement Strategy, a wildlife sensitive light design scheme, and the delivery of onsite measures in line with approved habitat regulations assessment. Plus, a BNG informative. The proposed conditions are considered acceptable to mitigate the impact of the development.

European Designated Sites

- 5.7.10 The site falls within the recreational Zone of Influence (ZoI) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including MDC, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will

comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

- 5.7.11 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites. The applicant's proposed illustrative masterplan includes public open space and circular walking routes for recreational activities.
- 5.7.12 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for 150no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? Yes, the proposal is for 150no. dwellings

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

Summary of Appropriate Assessment

- 5.7.13 Having undertaken an Appropriate Assessment, the development is considered to provide sufficient onsite measures and the payment of RAMS contributions 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 in terms of the conditions to be used (as stated above) and a financial contribution of £175.55 per dwelling (£26,332.50 if all 150 dwellings are to be built out).
- 5.7.14 Subject to the mitigation measures as identified (through planning conditions) and the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to LDP policies N1 and N2, GTNP policies GTO4 and GTO5, NPPF policies N2 and N6+ and the guidance and paragraphs in the PPG.

5.8 Impact on Neighbouring Amenity

- 5.8.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. NPPF policy P3 considers living conditions and pollution for occupiers, users and sensitive receptors including vulnerable groups

and the environment. NPPF policy P4 considers the impact of development on existing activities and follows the 'agent of change' principle where the impact of development should not place unreasonable restrictions on existing business, community facilities, public services, defence and security.

- 5.8.2 The nearest residential properties are located along the western boundary of the site with five houses and gardens backing onto the boundary of the site. The Parameter Plan identifies that residential development would be located up to the boundaries of these properties. To the west of the site is the Great Totham Village Hall which hosts community events, parish meetings but also includes a children's nursery use. Also to the west is the village cricket club building and grounds. To the north west of the site across the main road is the Bull Public House. The finer details of the future built form of the development on site does not form part of the site application with this being an outline application. The matters of 'layout', 'scale', 'appearance' and 'landscaping' will form part of a future reserved matters application if outline planning permission were to be approved.
- 5.8.3 The nearest residential properties and those other neighbours' properties and uses may experience an increase in noise and disturbance from the transition of an agricultural field to a residential housing estate. However, a residential use of the land would not give rise to significant noise implications upon neighbouring residents nor those other neighbours properties and uses that would affect their business and leisure operations.
- 5.8.4 The surrounding boundaries of the site comprise of agricultural land uses apart from the sewage works located to the south east of the site. No residential development is proposed in this location as the existing ancient woodland would be retained and along with proposed areas of open space would retain a significant separation distance to the proposed residential land.
- 5.8.5 Users of the PRoW (footpath 25 247) would not be adversely affected by the future residential land and built form as the footpath runs along the eastern site boundary and is therefore distant from this footpath.
- 5.8.6 Overall, further detailed information on the exact layout of the development and its scale, appearance and built form would be considered at the reserved matters stage. The information provided at this stage for an outline application is acceptable as the proposal would not give rise to any adverse harm or impacts upon amenities of the neighbouring and nearby residential occupiers of houses close to the site having regard to policies D1 and D2 of the LDP, the MDDG and NPPF policies P3 and P4.

5.9 Other Matters

Air Quality

- 5.9.1 The site does not fall within an air quality management area, and there are no sources that would give rise to odour issues in the locality once the development has been built. During the construction phase there is potential for airborne pollution from dust and particulates, however, this can be mitigated through a CEMP. During the operational phase road traffic emissions would not have a significant impact upon human and ecology receptors in this location. Subject to the CEMP condition being secured for the construction phase there would not be any issues in terms of air quality impacts having regard to the requirements of policies D1 and D2 of the LDP and NPPF policy P3.

Ground Conditions and Contamination

- 5.9.2 With regard to ground conditions and contamination, the applicant's Phase 1 Geoenvironmental Assessment identifies that the land has been used for agricultural purposes since the 1800's and noting the nearby former quarried land to the south. The potential for significant and widespread contaminative impact to be 'moderate to low'. The Assessment recommends further on-site assessment is undertaken of the ground conditions for contamination purposes, which can be subject to a planning condition. No objections have been raised by the Council's Environmental Health Officer and no comments have been raised by the Environment Agency. Subject to conditions being secured there would not be any issues in terms of contamination. The application is therefore not contrary to policies D1 and D2 of the LDP or NPPF policy P2.

Climate Change, Energy and Resource Efficiency

- 5.9.3 Policies D2 and D4 of the LDP and NPPF Policies CC2, CC3, DP3, TR3, TR4 and F8 seek to ensure that development responds appropriately to climate change. New development should reduce energy and water consumption, make efficient use of resources and be capable of adapting to changing climatic conditions. It should also support sustainable forms of travel, provide green infrastructure and incorporate sustainable drainage measures. Planning conditions should address matters that are relevant to land use planning without unnecessarily duplicating the requirements of the Building Regulations.
- 5.9.4 The proposal would form a relatively compact urban extension adjoining the settlement of Great Totham (South). Its location and layout provide opportunities for journeys to be made on foot and by bicycle, supported by connections through the site and the measures contained within the Travel Plan. The proposed landscaping layouts, tree planting, open spaces and sustainable drainage systems would also assist with climate adaptation by managing surface water, providing shade and supporting biodiversity. Energy efficiency measures can be applied to the building design and the site overall with such details being provided in the future reserved matters application.

Health Impact

- 5.9.5 Policy E3 of the LDP seeks to enhance the provision of community services and development proposals for improved provision of community services and facilities in a local area will be encouraged. Policy I2 of the LDP requires residential developments of 50 dwellings or more to undertake a Health Impact Assessment and where significant impacts are identified measures to meet health service requirements of the development are provided or secured by planning obligations. NPPF policy HC3 recognises that proposals for housing would give rise to significant numbers of additional people living in, working in or visiting an area so there is a need to understand what associated improvements to community facilities and public service infrastructure can be provided that would mitigate the impact of the development, recognising that planning conditions and obligations should be used to secure the timely delivery of services, such as health service improvements. NPPF policy HC4 identifies that proposals for new and improved community facilities, public service infrastructure and development providing public health benefits should be given substantial weight.
- 5.9.6 The applicant's Health Impact Assessment (HIA) concludes that the proposed development would not raise any significant adverse impacts in respect of public health and well-being of prospective residents and the existing village community.

The HIA proposes mitigation to ensure dwellings are considered in terms of the Nationally Described Space Standards, measures for energy and waste efficiencies, access to healthcare, biodiversity and ecology, active travel, education and employment, and safety and sense of community.

- 5.9.7 The consultation response from the NHS raises no objection subject to a financial contribution of £112,500 towards local healthcare improvements which could be used for expansion of the Fern House Surgery. This would be secured through a planning obligation in a S106 legal agreement.
- 5.9.8 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E3 and I1 of the LDP, and NPPF policies HC3 and HC4.

Education and Infrastructure

- 5.9.9 Policy E6 of the LDP identifies that the Council will work with partners such as ECC's Infrastructure Officer to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. The policy clarification to policy I1 of the LDP recognises the need for social infrastructure including education to be provided. NPPF policies HC3 and HC4 as explained in the above section are also applicable.
- 5.9.10 ECC's Infrastructure Officer has no objection to the proposed development subject to financial contributions being secured through planning obligations to mitigate the impact of the development as explained below:
- 5.9.11 For Early Years and Childcare (EY&C) the proposal would create the need for an additional 15.3 places. There are three providers in the area, and a total of 16 unfilled places were recorded. For these reasons a developer's contribution would not be required for this application.
- 5.9.12 For Primary Education the consultation response identifies that the Great Totham Primary School has a Published Admission Number of 60 pupils per year and a Net Capacity of 420 places. As at May 2025 (the last pupil census), the school was slightly over this number with 428 pupils on roll. Based on the school's site area, Department of Education (DfE) guidelines (BB103) suggest that significant expansion may not be feasible. Due to rising demand for school places, and the level of housing development already permitted in the area, a land option has been secured for a new school at Westcombe Park in Heybridge (MAL/15/419). If permitted, this development could assist in its delivery. The demand generated by this development would require a contribution towards the creation of 45 additional places. A developer contribution of £920,250 index linked to Quarter One (Q1) 2025, is sought to mitigate its impact on local Primary School provision. This equates to £20,450 per place.
- 5.9.13 For Secondary Education, in terms of secondary school provision, the development would be within the Priority Admissions Area of the Plume School in Maldon, but the Maltings Academy in Witham is slightly closer. The Plume School has a Published Admission Number of 295 pupils per year but has taken slightly over that number in recent years, due to local demand, and at the last census had 1,501 statutory age (11-16) pupils on roll. The first phase of an expansion project is underway on the lower school campus. Additional capacity is also expected to be required for the Witham area, and ECC's Education 10 Year Plan includes a two-form entry expansion project at the Maltings Academy for the 2027/28 academic year. The demand generated by this development would require a contribution towards the

creation of 30 additional places. A developer contribution of £843,810 index linked to Q1 2025, is sought to mitigate its impact on local Secondary School provision. This equates to £28,127 per place.

- 5.9.14 For post-16 education ECC requires a contribution is not currently required. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2023), an Employment and Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.
- 5.9.15 In terms of school transport provision, the Great Totham Primary School would be deemed available to be walked accompanied by an adult so no primary school transport contribution would be required. The closest secondary school to this development is Thurstable School over 3 miles away from the development so there would be a requirement for a school transport contribution to this establishment. The cost of providing this is £178,410 Index Linked to Quarter Two (Q2) 2023, applying a cost per pupil of £6.26, per Secondary pupil.
- 5.9.16 It is noted that the financial contribution towards secondary education identifies the Plume School in Maldon but recognises that the Maltings Academy in Witham is nearer but then identifies that secondary transport financial contribution is required for Thurstable School in Tiptree. This has been queried with ECC Education, and an updated consultation response is expected before the committee meeting to clarify the differences stated.
- 5.9.17 In terms of other infrastructure other than education ECC is seeking a contribution towards the expansion of the library service to meet customer needs generated by residential developments of 20 plus homes. The suggested population increase brought about by the proposed development is expected to create additional usage of a local library. Therefore, ECC will be seeking an index linked financial contribution of £11,670 to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.
- 5.9.18 ECC is also seeking monitoring fee of £700 per obligation.
- 5.9.19 In the current economic climate and national skills shortage, ECC supports MDC in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. This can be secured through the S106 legal agreement.
- 5.9.20 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E6 and I1 of the LDP.

Statement of Community Involvement

- 5.9.21 As part of the Statement of Community Involvement, it is stated that the proposal was publicised through meetings with stakeholders, a newsletter, a dedicated project website, and through social media to 775 addresses surrounding the site.

5.10 Planning Obligations and Conditions

- 5.10.1 Policy S1 of the LDP states that the Council will apply the following key principles in policy and decision making including at point 11) of the policy to *'identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources'*.

- 5.10.2 Policy I1 of the LDP identifies that *‘the Council will work with relevant partners and infrastructure providers to maintain and improve infrastructure provision in the District through delivering the infrastructure associated with development proposals in policies in this Plan’*. The policy also states that *‘developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts’*.
- 5.10.3 Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the Community Infrastructure Levy (CIL) Regulations) states that ‘planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.’
- 5.10.4 NPPF policy DM6 section 4 states: *‘Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation’*.
- 5.10.5 From the consultation responses the following planning obligations have been identified:

Affordable Housing

Affordable Housing Scheme, including:

- Delivery of 40% affordable housing (minimum 60 dwellings) with a 75% affordable/social rented / 25% shared ownership
- Provision of affordable home ownership products in line with national policy
Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England
- Gross costs (rent/service charge) to be within the Council’s Strategic Tenancy Strategy
- All affordable units to meet Nationally Described Space Standards
- An Affordable Housing Scheme detailing tenure, gross costs (rent/service charge) and allocation of units to be agreed with the Council.

Accessible Dwellings:

- At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- At least 10 per cent of both the affordable/social rented and shared ownership dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per of both the affordable/social rented and I shared ownership dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on the

completed units that preceding year and anticipated completions for the following year.

Education

Financial contributions being secured through planning obligations based on the formula used by Essex County Council's Education team. The figures are set out below are based on the maximum number of 150 dwellings being built but the proposal is up to 150 dwelling so less dwellings could be built, and the figures would then be lower based on the formula used. If 150 dwellings were built the financial contributions would be as follows:

- Primary Education – £920,250
- Secondary Education - £843,810
- School Transport - £178,410
- Libraries - £11,670
- Monitoring fee - £700 per obligation
- An Employment and Skills Plan for post-16 education should be prepared

Highways

A financial contribution of £480,000 to ECC towards improving public transport links between the site and other local destinations including Maldon, Tiptree and Colchester.

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

NHS Contribution

A financial contribution of £112,500 towards local healthcare improvements based on the maximum number of 150 dwellings being built.

Essex RAMs

A financial contribution based on the current tariff of £175.55 per dwelling (2026-2027 figure) which would be £26,332.50 if all 150 dwellings are to be built out.

Biodiversity Net Gain

Any legal security required for significant on-site biodiversity gains, together with the 30-year Habitat Management and Monitoring Plan, without double counting HRA or ordinary landscape mitigation.

Monitoring Fee

MDC Section 106 administration and monitoring fee of £1,638.

5.10.6 The above planning obligations are considered to meet the CIL legal test. The applicant's agreement to these planning obligations would allow for the necessary mitigation to be secured to address the impact of the development.

5.10.7 The recommendation includes a list of planning conditions and it includes a list of pre-commencement planning conditions with those identified in the conditions list setting out their clear justification why they are pre-commencement conditions and identifying the necessary information required to meet the requirements of the planning condition to mitigate the impact of the development in accordance with the tests set out in Planning Legislation. The list of planning conditions including all the

pre-commencement conditions have been agreed with the applicant to accord with the Councils requirements of section 100ZA(5) of the Town and Country Planning Act 1990 (as amended).

6. **ANY RELEVANT SITE HISTORY**

6.1 Relevant planning history.

- **25/00495/SCR** - EIA Screening opinion request for up to 170 dwellings, with land set aside for a medical centre or community use, alongside public open space – EIA not required 12.06.2025.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Recommend refusal for the following reasons: outside of settlement boundary, impact upon rural landscape and countryside, impact upon the village, inconsistent with Great Totham Neighbourhood Plan, loss of agricultural land, lack of local sustainability, insufficient infrastructure to support the increase in population, unsustainable location with limited transport, proposal would cause significant encroachment into the open countryside, no evidence that brownfield land in the settlement boundary has been fully investigated, parish offers little local employment, failure to demonstrate Sequential Approach, lack of a five year housing land supply does not override all other planning considerations	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	Standing Advice to be followed on promoting pedestrian access, cycling and travel planning	Noted
Anglian Water	No objections	Noted
Cadent Gas	No response	Noted
Campaign to Protect	No response	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Rural England		
Environment Agency	No comment to provide as the site is in Flood Zone 1 but is not within an area of critical drainage	Assessed in section 5.6 of the Main Considerations
Essex County Fire and Rescue Service	No objection subject to advice regarding access for fire services being achieved and the development adhering to the Building Regulations	Noted
Essex County Council Education and Infrastructure	No objection subject to a financial consultation (based on all 150 dwellings being built out) towards education and infrastructure as set out below: • For Early Years and Childcare there are sufficient spaces available in the area so a developer's contribution would not be required for this application. • Primary Education – £920,250 • Secondary Education - £843,810 • School Transport - £178,410 • Libraries - £11,670 • Monitoring fee - £700 per obligation • An Employment and Skills Plan for post 16 education should be prepared	Assessed in section 5.9 of the Main Considerations and to be secured through planning obligations
Essex County Council Green Infrastructure – Environment and Planning	No objection subject to conditions to secure a Construction Environment Management Plan (CEMP), Landscape Ecological Management Plan, and a Habitat Management and Monitoring Plan	To be secured through planning conditions
Essex County Council Highways	No objection subject to conditions and obligations. Conditions requiring a Construction Management Plan, clear to ground visibility splays, access dimension requirements, extension of existing footway and cycleway into the site and across the site frontage from the cricket ground, upgrading of bus stops, provision of a traffic regulation order, provision of Residential Travel Information Packs, and an upgraded travel plan. Planning obligations for annual monitoring fee of £1,817 for	Assessed in section 5.5 of the Main Considerations and to be secured through planning obligations and conditions

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	travel plan monitoring and £480,000 towards improving public transport links between the site and other local destinations including Maldon, Tiptree and Colchester.	
Essex County Council SUDS team	No objection subject to conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements	Assessed in section 5.6 of the Main Considerations and to be secured through planning conditions
Essex Police	Advise on designing out crime approaches and recommend that Secured by Design – Homes is achieved.	Noted
Essex and Suffolk Water	No objection	Noted
Essex Wildlife Trust	No response	Noted
Natural England	No objection subject to appropriate mitigation being secured and to allow the LPA to undertake the HRA AA	Assessed in section 5.7 of the Main Considerations and to be secured through planning obligations
NHS England	No objection subject to a financial contribution of £112,500 towards local healthcare needs	Assessed in section 5.9 of the Main Considerations and to be secured through planning obligations
Place Services – Archaeology	No objection subject to conditions requiring a programme of archaeological investigation in accordance with a written scheme of investigation, followed by the implementation of a fieldwork programme and a post excavation assessment.	Assessed in section 5.9 of the Main Considerations and to be secured through planning conditions
Place Services - Ecology	No objection subject to conditions requiring Ecological Appraisal recommendations to be implemented, a Farmland Bird Compensation Strategy, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, a wildlife sensitive light design scheme, and the delivery of onsite measures in line with approved habitat regulations assessment. Plus a Biodiversity Net Gain informative.	Assessed in section 5.7 of the Main Considerations and to be secured through planning conditions

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services – Tree Consultant	Support subject to conditions requiring soft and hard landscaping to be agreed and the retention and protection of existing trees	Assessed in section 5.3 of the Main Considerations and to be secured through planning conditions
The Woodland Trust	No response	Noted
UK Power Networks	No response	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection	Noted
Environmental Health	No objection subject to conditions ensure internal rooms meet noise standards, a Construction Environmental Management Plan, Construction Hours, Noise Mitigation, fixed plant requirements, odour mitigation and any unexpected contamination	Assessed in section 5.8 of the Main Considerations and to be secured through planning conditions
Housing	Support subject to affordable housing being secured for 40% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.	Assessed in section 5.2 of the Main Considerations and to be secured through planning obligations
Place Officer	No objection and the design approach for an outline application is acceptable for 'appearance' with regard to the Maldon Design Guide and policy D1	Assessed in section 5.3 of the Main Considerations and to be secured through planning conditions
Waste Management	No objection at this stage as no detail of storage of waste but the developer shall need to consider the Waste Management Technical document	Full details shall be secured through the reserved matters, but the details provided are sufficient for this application

7.4 Representations received from Interested Parties (summarised)

7.4.1 **103** responses were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<u>Principle of development</u> The development is in an inappropriate rural location and is not allocated within the current	Responses to matters relating to the principle of development are provided within the Principle of Development

Objection Comment	Officer Response
development plan. The planning system should be plan-led. • Outside of the settlement boundary • Garden suburb down the road negates the need for this development • Contrary to the neighbourhood plan	section. Each application must be decided on its own merits at the point of determination. An alternative use of the Site that is not a policy allocation or requirement is not a material planning consideration.
<u>Design and Landscape/Townscape Impact</u> • Would change the character of our lovely village • Impact upon the rural character of the village • Loss of views of the Blackwater • Scale and density of the development not in keeping • Impact upon the setting of the cricket pitch and village hall • Does not protect the character and beauty of the countryside • Large development not needed • Overbearing scale of development • Development contrary to the historic village and its rural identity • Destruction of historic village • Impact of views of grade 2 listed buildings • Loss of countryside • Houses would destroy picturesque village • Impact on the setting grade II listed building	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.
<u>Access, Highways and Parking</u> • Increased traffic and impact upon the highway network • Traffic congestion • Reduce road safety • Additional traffic affects road safety for pedestrians, cyclists and road users • Parking already out of control in the village	Responses to matters relating to these matters are provided within the Transport, Access and Highway Safety.
<u>Natural environment</u> • Loss of agricultural land and the impact upon biodiversity • Loss of habitat for wildlife • Loss of green space • Disruption of the wildlife corridor • Inadequate play equipment for children	Responses to matters relating to these matters are provided within the Ecology and Biodiversity Section.

Objection Comment	Officer Response
<u>Amenity Impact</u> • Loss of open space • Noise, air pollution and disturbance • Scale of building will cause a loss of privacy • Loss of tranquillity	Responses to matters relating to these matters are provided within the Impacts on Amenity Section.
<u>Infrastructure and Services</u> • No capacity in the school • This development would put extra pressure on local schools, healthcare services and already busy roads • Impact upon existing medical infrastructure and dentists • Strain on services • Disappointed medical centre was removed from the original application submission • Irregular bus services • Inadequate local infrastructure • Issues with drainage • Limited job opportunities • Environment Impact and Flood Risk • Extreme amounts of building in the village • Too far from nearest hospital • Poor phone signal • Existing doctors already overwhelmed • Local sewage plant at capacity	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.

7.4.2 **30** responses were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
More affordable housing is welcomed	All points have been covered in the Main Considerations sections of the report
Welcome the medical centre	
Need more homes	
More green space is welcomed	
New homes are important so young people can get a place to live	
Good to have more green space	

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing

Affordable Housing Scheme, including:

- Delivery of 40% affordable housing with a 75% affordable/social rented / 25% shared ownership
- Provision of affordable home ownership products in line with national policy
Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England
- Gross costs (rent/service charge) to be within the Council's Strategic Tenancy Strategy
- All affordable units to meet Nationally Described Space Standards
- An Affordable Housing Scheme detailing tenure, gross costs (rent/service charge), and allocation of units to be agreed with the Council.

Accessible Dwellings:

- At least 80 per cent of open market units to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- At least 10 per cent of both the affordable/social rented and shared ownership dwellings to be constructed to Building Regulations Approved Document M requirements for M4(3) (Wheelchair User Dwellings) and 80 per of both the affordable/social rented and I shared ownership dwellings to be constructed to Building Regulations Approved Document M requirements for M4(2) (Adaptable and Accessible Dwellings).
- Housing delivery and monitoring to include notification of the Council upon completion of the first dwelling and an annual build-out report on the completed units that preceding year and anticipated completions for the following year.

Education

Financial contributions being secured through planning obligations based on the formula used by Essex County Council's Education team. The figures are set out below are based on the maximum number of 150 dwellings being built but the proposal is up to 150 dwelling so less dwellings could be built and the figures would then be lower based on the formula used. If 150 dwellings were built the financial contributions would be as follows:

- Primary Education – £920,250
- Secondary Education - £843,810
- School Transport - £178,410
- Libraries - £11,670
- Monitoring fee - £700 per obligation
- An Employment and Skills Plan for post 16 education should be prepared

Highways

A financial contribution of £480,000 to ECC towards improving public transport links between the site and other local destinations including Maldon, Tiptree and Colchester.

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

NHS Contribution

A financial contribution of £112,500 towards local healthcare improvements based on the maximum number of 150 dwellings being built.

Essex RAMs

A financial contribution based on the current tariff of £175.55 per dwelling (2026-2027 figure) which would be £26,332.50 if all 150 dwellings are to be built out.

Biodiversity Net Gain

Any legal security required for significant on-site biodiversity gains, together with the 30-year Habitat Management and Monitoring Plan, without double counting HRA or ordinary landscape mitigation.

Monitoring Fee

MDC Section 106 administration and monitoring fee of £1,638.

PROPOSED CONDITIONS

Submission of Outstanding Reserved Matters

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

Time Limit for the Submission of the Outstanding Reserved Matters

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time Limit for the Commencement of the Outline Planning Permission

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- RG-M-09-1 Rev S - Parameter Plan
- RG-M-13D - Site Boundary Plan
- TRP-00218-DR-00 Rev A - Proposed Access-Refuse Veh SPA
- TRP-00218-DR-006 Rev D - Proposed Shared Footway-Cycleway
- 794-PLN-TRP-00218-DR-009 Rev B - Proposed Access

REASON For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved in accordance with policy D1 of the adopted Maldon District Local Development Plan and policy DP3 of the NPPF.

Plan to Influence the Reserved Matters

5. The details submitted pursuant to Condition 1 (the reserved matters) shall be broadly in accordance with the following plans:

- RG-M-06 Rev G - Concept Masterplan
- GT-5 Rev 01 - Illustrative Landscape Masterplan
- GT-01 - Landscape Related Designations

REASON To ensure that the development is carried out in broad accordance with these plans to meet with the requirements of policy D1 of the adopted Maldon District Local Development Plan and policy DP3 of the NPPF.

Housing Mix

6. The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application(s) and shall have regard to Maldon District Technical Advice Note - Housing Mix Position (November 2025), Local Housing Needs Assessment (2025) or any subsequent update, and the policy requirements within Policy H08 of the National Planning Policy Framework, has been submitted to and approved in writing by the Local Planning Authority.

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 policies HO7, HO8, and HO9 of the NPPF.

Maximum Height for the Development

7. The development shall be a maximum of two storeys (9.5m) in height.

REASON In the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan and policy DP3 of the NPPF.

Levels

8. No development (excluding preliminary groundworks and site preparation) shall commence until details of finished site levels and finished external surface levels, and the finished floor level of the building(s) hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan and policies DP3, P2 and P3 of the NPPF.

Materials

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

No development above slab level shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the adopted Maldon District Local Development Plan and policy DP3 of the NPPF.

Boundary Treatment

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

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

REASON In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan and policies DP3, P3 and P4 of the NPPF.

Landscaping

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

REASON To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of

the adopted Maldon District Local Development Plan and policies DP3, N2 and N3 of the NPPF.

Tree and Hedge Retention

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

REASON To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan and policies DP3, N2 and N3 of the NPPF.

Vehicle Access

13. Prior to the first occupation of the development the vehicle access as shown on Drawing 794-PLN-TRP-00218-DR-009 Rev B in Appendix 5 of the Transport Assessment, the main site access on the B1022 Maldon Road, shall be provided with clear to ground visibility splays of 2.4 metres by 123 metres to the west and 2.4 metres by 125 metres to the east, as measured from and along the nearside edge of the carriageway, and shall have a minimum road width of 5.5 metres with 3 metre wide footway / cycleway on each side and a straight section for a minimum of the first 15 metres into the site. The vehicle access shall be completed with a surface finish prior to the first occupation of the development.

REASON To ensure that all highway users can safely and efficiently enter and exit the site in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Local Development Plan and policy TR4 of the NPPF.

Footway / Cycleway

14. Prior to the first occupation of the development and as shown in principle on Drawing 794-PLN-TRP-00218-DR-009 Rev B in Appendix 5 of the Transport Assessment, a new 3 metre footway / cycleway shall be provided across the site frontage and extended to upgrade the existing footway alongside the cricket ground. It shall also provide a dropped kerb / tactile paving crossings of the access road junction and, as indicated, Maldon Road to link with the bus stop outside the Bull public house, Staplers Heath and the adjacent playground area. The footway / cycleway shall be completed prior to the first occupation of the development.

REASON To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services, in the interest of highway safety,

accessibility and amenity, and in accordance with policies D2, T1 and T2 of the adopted Maldon District Local Development Plan policy GTO8 of the Great Totham Neighbourhood Plan and policies TR3 and TR4 of the NPPF.

Bus Stop Improvements

15. Prior to the first occupation of the development, the bus stops outside the Village Hall and the Bull public house shall be upgraded. The south westbound stop, i.e. towards Heybridge and Maldon, shall be provided with a new hardstanding, a new shelter with lighting, flag, raised kerbs and real time passenger information display. The north eastbound stop, i.e. towards Tiptree, shall be provided with hardstanding, raised / dropped kerbs and timetable display case. The bus stop improvements shall be completed prior to the first occupation of the development.

REASON To encourage trips by public transport and in the interest of accessibility, in accordance with policies D2, T1 and T2 of the adopted Maldon District Local Development Plan and policy TR3 of the NPPF.

Traffic Regulation Order

16. Prior to the first occupation of the development, the developer shall pay (through the Highway legislation requirements) for a Traffic Regulation Order together with the provision of associated signage to extend the existing 30mph speed limit on the B1022 to a location east of the site access to be agreed in road markings.

REASON In the interests of highway safety policy T2 of the adopted Maldon District Local Development Plan and policy TR4 of the NPPF.

Residential Travel Information Pack

17. Prior to the first occupation of the development, the applicant or developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the Local Planning Authority (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the Local Planning Authority

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan and policy TR3 of the NPPF.

Updated Travel Plan

18. Prior to the first occupation of the development, an updated Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. include baseline and target mode shares, measures and incentives, travel information, public-transport and active-travel promotion, personalised travel planning, monitoring for at least five years, annual reporting, review triggers, remedial measures, responsibilities and funding. The approved Travel Plan shall be implemented from first occupation and monitored in accordance with its programme.

REASON To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with policies D2, T1 and T2 of the adopted Maldon District Local Development Plan and policy TR3 of the NPPF.

Parking

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

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

REASON In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the adopted Maldon District Local Development Plan, policies GTO7 and GTO8 of the Great Totham Neighbourhood Plan and policy TR4 of the NPPF.

Cycle Parking

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

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

REASON In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan, policies GTO7 and GTO8 of the Great Totham Neighbourhood Plan and policy TR4 of the NPPF.

Amenity Space Provision

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

REASON To ensure the occupiers of each dwelling has access to an appropriate area of private amenity space in accordance with policy D1 of the adopted Maldon District Local Development Plan, the Maldon District Design Guide SPD and policies DP3, N2 and N3 of the NPPF.

Public Open Space Provision

22. The reserved matters for the approval of layout and landscaping shall include public open space in broad accordance with the land identified for such purposes on the GT-5 Rev 01 - Illustrative Landscape Masterplan

REASON To ensure the occupiers of the site have appropriate access to public open space in accordance with policy D1 of the adopted Maldon District Local Development Plan, the Maldon District Design Guide SPD and policies DP3, N2 and N3 of the NPPF.

Management of Open Space and Children's Play Space

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

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

Surface Water Drainage Scheme

24. No development (excluding preliminary groundworks and site preparation) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - b) Limiting discharge rates to 6.6l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event
 - c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
 - d) Final modelling and calculations for all areas of the drainage system.
 - e) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Permeable paving must be provided within the shared roads and driveways.
 - f) Detailed engineering drawings of each component of the drainage scheme.
 - g) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - h) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with policy D5 of the adopted Maldon District Local Development Plan and policy F8 of the NPPF.

Scheme to Minimise Off Site Flooding

25. No development (excluding preliminary groundworks and site preparation) shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policy D5 of the adopted Maldon District Local Development Plan and policy F8 of the NPPF.

Maintenance Plan for Surface Water Drainage Scheme

26. Prior to the first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of the long-term funding arrangements shall be provided.
- REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policy D5 of the adopted Maldon District Local Development Plan and policy F8 of the NPPF.

Yearly Logs

27. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with policy D5 of the adopted Maldon District Local Development Plan and policy F8 of the NPPF.

Foul Drainage

28. No development (excluding preliminary groundworks and site preparation) shall commence until a site layout plan detailing the location of existing water and drainage assets, and any proposed asset diversion, shall be submitted to and approved by the Local Planning Authority, in consultation with Anglian Water. In order to ensure on-going maintenance is possible all existing water and drainage assets should be located in areas of public open space and/or adoptable highways.
- REASON To reduce the impacts of flooding and potential pollution risk in accordance with policy D5 of the adopted Maldon District Local Development Plan.

Ecological Mitigation

29. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, June 2025) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This shall include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- REASON To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as

amended) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan, policies GTO4 and GTO5 of the Great Totham Neighbourhood Plan and policies N2, N3 and N6 of the NPPF.

Farmland Bird Compensation Strategy

30. A Farmland Bird Compensation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement. The content of the Farmland Bird Compensation Strategy shall include the following
- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots
 - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots'
 - c) locations of the compensation measures by appropriate maps and/or plans, and
 - d) persons responsible for implementing the compensation measure.
- The Farmland Bird Compensation Strategy shall be implemented in accordance with the approved details, and all features shall be retained for a minimum period of 10 years.
- REASON** To allow the LPA to discharge its duties under the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan, policies GTO4 and GTO5 of the Great Totham Neighbourhood Plan and policies N2, N3 and N6 of the NPPF.

Biodiversity Enhancement Strategy

31. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (Aspect Ecology, June 2025), shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures
 - b) detailed designs or product descriptions to achieve stated objectives
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant)
 - d) persons responsible for implementing the enhancement measures, and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.
- REASON** To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF (2024) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan, policies GTO4 and GTO5 of the Great Totham Neighbourhood Plan and policies N2, N3 and N6 of the NPPF.

Lighting Strategy

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

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

REASON To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan, policies GTO4 and GTO5 of the Great Totham Neighbourhood Plan and policies N2, N3 and N6 of the NPPF.

Delivery Of Onsite Measures in Line with The Approved Habitats Regulations Assessment

33. Prior to the first occupation of the development, on site measures to avoid impacts from the development alone from recreation disturbance to the relevant coastal Habitats sites shall be submitted to and be approved in writing by the Local Planning Authority. The content of the onsite measures shall be in line with the approved Habitats Regulations Assessment and shall include the following:
- a) Purpose and conservation objectives for the proposed measures
 - b) Detailed designs of the interpretation board and leaflets
 - c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development
 - d) Locations of proposed interpretation boards by appropriate maps and plans, and
 - e) details of initial aftercare and long-term maintenance

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

REASON To avoid Adverse Effects on the Integrity to coastal Habitats sites and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan, policies GTO4 and GTO5 of the Great Totham Neighbourhood Plan and policies N2, N3 and N6 of the NPPF.

Archaeology – Pre Excavation

34. No development or preliminary groundworks of any kind shall take place until:
- Part 1 - A programme of archaeological investigation into trial trenching and geophysical survey has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
 - Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the Local Planning Authority's archaeological advisors.
 - Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.
 - Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the adopted Maldon District Local Development Plan and policy HE5 of the NPPF.

Archaeology – Post Excavation

35. Prior to the first occupation of the development, the following details shall be provided:
- Part 1 - A post excavation assessment which has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
 - Part 2 – Suitable provision has been made for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report with details of this to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

REASON To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the adopted Maldon District Local Development Plan and policy HE5 of the NPPF.

Noise Mitigation

36. The reserved matters for the approval of layout shall incorporate the details of the noise mitigation measures as set out in section 9 of the applicant's Noise Assessment.

Prior to the first occupation of the development the noise mitigation measures as approved with the reserved matters shall be installed to ensure acceptable internal and external noise conditions for future occupiers of the development. These noise mitigation measures shall remain in place at all times thereafter.

REASON To ensure acceptable internal noise levels are achieved for the occupiers of dwellings across the site in accordance with policy D2 of the adopted Maldon District Local Development Plan and policy P3 of the NPPF.

Energy Efficiency and Renewable Energy

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

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

REASON In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan, policy CGTO6 of the Great Totham Neighbourhood Plan and policies W3, CC2 and CC3 of the NPPF.

Refuse and Recycling

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

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

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

Construction Environmental Management Plan

39. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain and address the following matters:
- (a) Hours of use for the construction of the development
 - (b) Hours and duration of any piling operations
 - (c) Vehicle haul routing in connection with construction, remediation and engineering operations
 - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
 - (e) Details of construction of any access or temporary access, and details of temporary parking requirements
 - (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
 - (g) Loading and unloading of plant and materials locations
 - (h) Details of any temporary hardstandings
 - (i) Details of temporary hoarding
 - (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
 - (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
 - (m) For dust and air quality management and mitigation:

- i. The identification of all dust-generating activities and sensitive receptors
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout), including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles
 - iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
- (n) Measures for water management including wastewater and surface water discharge
- (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of “biodiversity protection zones”
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and
- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP. REASON In order to minimise any adverse impacts arising from the construction of the development in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan and policies TR4, TR6, P2, P3, P4 and P5 of the NPPF.

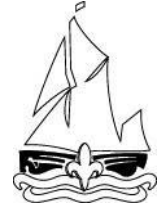
Application Plans

- RG-M-09-1 Rev S - Parameter Plan
- RG-M-13D - Site Boundary Plan
- TRP-00218-DR-00 Rev A - Proposed Access-Refuse Veh SPA
- TRP-00218-DR-006 Rev D - Proposed Shared Footway-Cycleway
- 794-PLN-TRP-00218-DR-009 Rev B - Proposed Access
- RG-M-06 Rev G - Concept Masterplan
- GT-5 Rev 01 - Illustrative Landscape Masterplan
- GT-01 - Landscape Related Designations

Application supporting documents:

- Planning Statements and Addendum
- Design and Access Statement
- Covering Letters
- Landscape Strategy Plan
- Applicant's response to the independent landscape review
- Arboricultural Impact Assessment
- Biodiversity Net Gain Assessment
- BNG Excel Spreadsheet Converted to PDF
- Ecological Addendum: Further Phase 2 Protected Species Survey Results
- Ecological Appraisal
- Ecology Consultation Response
- Flood Risk Assessment and Conceptual Drainage Strategy
- Health Impact Assessment
- Historic Environment Desk-based Assessment
- Landscape and Visual Appraisal
- Noise Assessment
- Odour Assessment
- Consultation response to LLFA
- Screening Matrix and Appropriate Assessment
- Statement of Community Involvement
- Transport Assessment and Technical Note
- Travel Plan

This page is intentionally left blank



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

to
**DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2026**

Application Number	26/00138/OUTM
Location	Land South Of Threeways And 45 The Street, Latchingdon, Essex
Proposal	Outline planning application with all matters reserved except for means of access, for up to 140 dwellings (Use Class C3), including 40% affordable housing; new site access and internal access roads; a new village centre (Use Class E(a)); flexible employment space (Use Class E); car and cycle parking; landscaping; sustainable urban drainage systems; public open space and footpaths; community woodlands and allotments; together with associated infrastructure.
Applicant	EJ Latchingdon Ltd
Agent	Mr Matthew Driscoll - MJD Planning Ltd
Target Decision Date	2 October 2026 (EoT)
Case Officer	Matt Bailey
Parish	Latchingdon
Reason for Referral to the Committee / Council	Major application

1. RECOMMENDATION

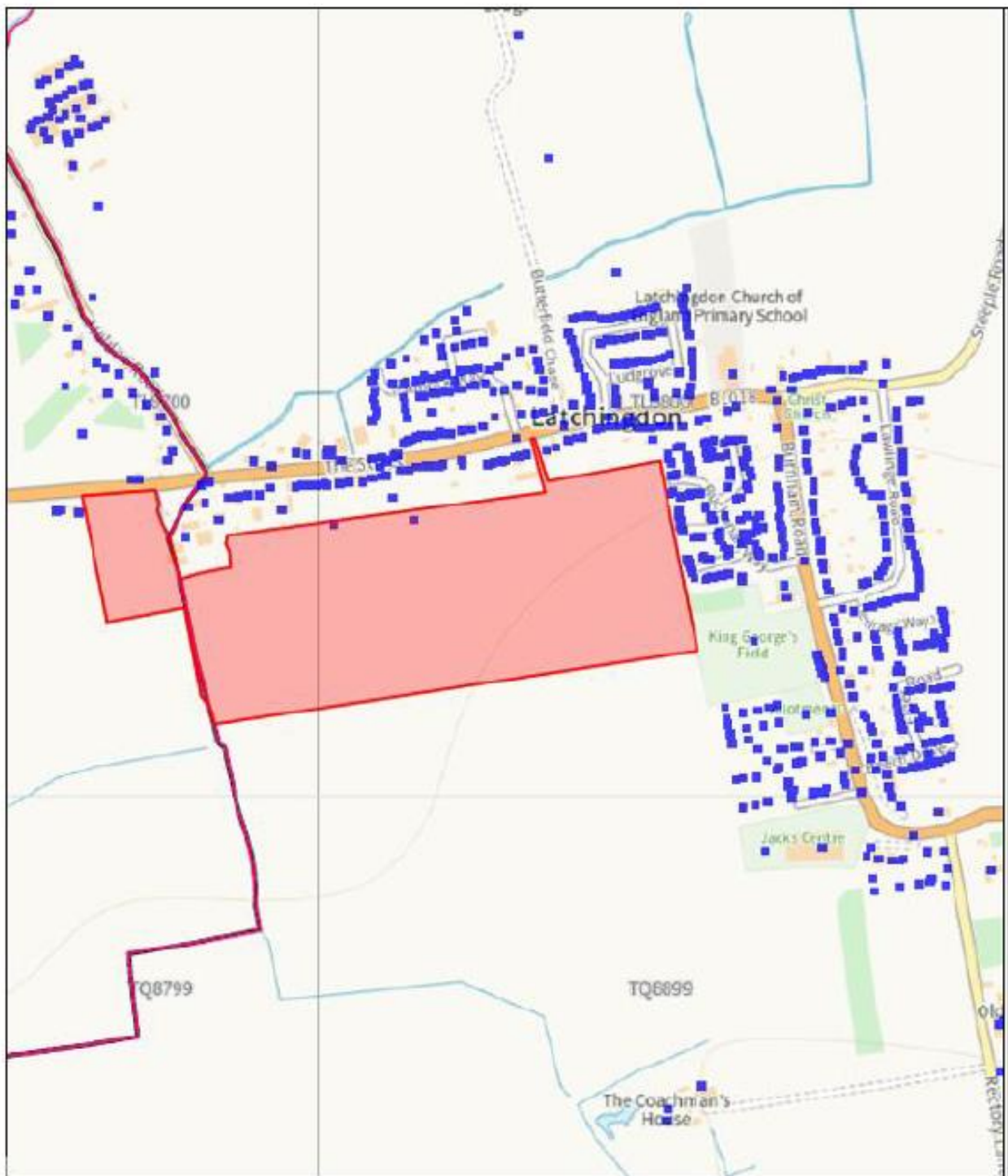
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant outline planning permission subject to:

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

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

2. SITE MAP

See below:



3. SUMMARY

3.1 Proposal / Brief Overview, Including Relevant Background Information

Site and Surroundings

- 3.1.1 The application site comprises approximately 15.84 hectares of predominantly arable land on the southern side of The Street, immediately south and west of the existing built-up area of Latchingdon. Residential development along The Street and Buchanan Way forms the northern and eastern edges. Open agricultural land continues to the south and west. The site is outside the settlement boundary and is not allocated for development in the adopted Maldon District Local Development Plan (LDP).
- 3.1.2 The site is generally flat and is subdivided by hedgerows, trees, field margins and drainage features. Sharps Farm Brook and associated ordinary watercourses cross or adjoin the land; parts of the access and watercourse corridor are affected by Flood Zones 2 and 3 and by mapped flood hazard. Public Rights of Way (PRoW) 7, 8 and 10 connect the site and village. The principal vehicular access would be taken from the B1018 between Sharps Farm and Lyndale, and an emergency, pedestrian and cycle connection is indicated between numbers 61 and 63 The Street.
- 3.1.3 The surrounding village has a mixed rural and suburban character. Four Grade II listed buildings - the Red Lion, Chestnuts, Anchor Cottage and Christ Church - lie within the wider setting. The site itself has no designated heritage asset, landscape designation or Tree Preservation Order (TPO). Archaeological evidence identifies potential for later prehistoric, Roman, medieval and post medieval remains. The Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site lies beyond the village and may be affected by additional recreational pressure and, depending on evidence, by use of functionally linked land.

The Proposed Development

- 3.1.4 Outline planning application with all matters reserved except for means of access, for up to 140 dwellings (Use Class C3), including 40% affordable housing; new site access and internal access roads; a new village centre (Use Class E(a)); flexible employment space (Use Class E); car and cycle parking; landscaping; sustainable urban drainage systems; public open space and footpaths; community woodlands and allotments; together with associated infrastructure.
- 3.1.5 The submitted parameters and illustrative masterplan divide the housing between two principal parcels, retain and reinforce hedgerows and watercourses, and provide a landscape buffer, community woodland, allotments, public open space and sustainable drainage features. The main access is proposed from The Street/B1018, with pedestrian and cycle links through and around the site and to the existing public rights of way network. The central mixed use element is described as a village centre of approximately 400 square metres, including up to approximately 250 square metres of shop floorspace, together with approximately 600 square metres of flexible employment floorspace.
- 3.1.6 All matters other than access are reserved. The application therefore fixes the maximum quantum, principal land uses, access and parameters but not the final layout, scale, appearance or landscaping. Those later details would need to conform to the approved parameter plans, design code, green infrastructure framework, drainage strategy, biodiversity commitments and phasing controls.

Previous Decision and Scheme Amendments

- 3.1.7 The proposal follows application 24/01004/OUTM for an identical maximum quantum and mix of uses. That application was recommended for approval by Officers but the subsequent appeal, APP/X1545/W/25/3369961, was dismissed on 21 January 2026. The Inspector found conflict with the settlement strategy, but only limited landscape harm and no undue harm to the identity of Latchingdon. Highway accessibility, foul drainage, infrastructure and other planning obligation matters were considered to be capable of resolution. The decisive matters were the absence of evidence sufficient to exclude an adverse effect on the integrity of the coastal Habitats sites and a sequential test that did not robustly assess reasonably available sites contained within the Council's Housing and Economic Land Availability Assessment (HEELA).
- 3.1.8 The revised application is supported by updated wintering and breeding bird surveys, an ecological update, a river condition assessment and biodiversity metric, together with a revised flood sequential test. Place Services Ecology withdrew its holding objection on 4 August 2026, subject to conditions and completion of the Habitats Regulations Assessment process. The Council, as competent authority, has considered the applicant's shadow Appropriate Assessment, and Natural England raises no objection subject to the identified mitigation. Following submission of the Technical Bridge Note dated 28 August 2026 and revised plans and cross-sections, the Environment Agency confirmed in correspondence received on 10 September 2026 that its previous concerns had been satisfactorily addressed and withdrew its objection, subject to the scheme being advanced in accordance with the updated technical information.

Summary Conclusion

- 3.1.9 The development conflicts with Policies S1, S2 and S8 of the LDP because it is outside the settlement boundary and is not allocated. The current National Planning Policy Framework (NPPF) nevertheless gives substantial weight to meeting evidenced housing needs through Policy HO7 and allows development outside settlements under Policy S5 where it addresses evidenced unmet need, is physically well related to a settlement and is of a scale that can be accommodated having regard to infrastructure. The site adjoins Latchingdon, and the proposal includes 40% affordable housing, a village centre element, employment floorspace, open space and active travel links.
- 3.1.10 Officers have conducted an assessment of the benefits against the harms, as set out in the Planning Balance and Conclusion section of this Committee report, finding that the harms would not substantially outweigh the benefits of the development, including the provision of 140 homes where the Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS). Therefore, Officers recommend that approval is granted in accordance with the updated NPPF policies, subject to the conditions and planning obligations recommended in this committee report.

4. MAIN RELEVANT POLICIES

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

- Paragraph 17 Achieving sustainable development

Chapter 3 - Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- DM5 Development viability

- DM6 Use of planning conditions and obligations
- DM7 Relationship with other regulatory regimes

Chapter 4 - Achieving sustainable development

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

Chapter 5 - Meeting the challenge of climate change

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

Chapter 6 - Delivering a sufficient supply of homes

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

Chapter 12 - Making effective use of land

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

Chapter 14 - Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15 - Promoting sustainable transport

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

Chapter 16 - Promoting healthy communities

- HC3 Community facilities and public service infrastructure serving new development
- HC4 Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- HC8 Development affecting Local Green Space

Chapter 17 - Pollution, public protection and security

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

Chapter 18 - Managing flood risk and coastal change

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

Chapter 19 - Conserving and enhancing the natural environment

- N2 Improving the natural environment
- N3 Trees in new development
- N5 Maintaining the character of the coast
- N6 Areas of particular importance for biodiversity and geodiversity

Chapter 20 - Conserving and enhancing the historic environment

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

4.2 Maldon District Local Development Plan 2014 -2029

- S1 - Sustainable Development
- S2 - Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- E1 - Employment
- E2 - Retail Provision
- E3 - Community Services and Facilities
- E6 - Skills, Training and Education
- H1 - Affordable Housing
- H2 - Housing Mix
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment, Geodiversity and Biodiversity
- N3 - Open Space, Sport and Leisure
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services
- I2 - Health and Wellbeing

4.3 Other Material Guidance and Evidence

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

Five-Year Housing Land Supply

- 5.1.3 NPPF Policy HO1 and Annex D set out the approach to identifying and maintaining a supply of deliverable housing sites. The Council's latest published housing land supply position at 1 April 2025 (reported to Council on 12 February 2026) was 4.1 years. This position has subsequently been considered through the appeal process, including the recent Spratts Farm appeal, where the respective positions of the Appellant and Council were 3.6 and 4.04 years. Whilst there has been disagreement regarding the precise figure, it is accepted that the Council cannot currently demonstrate a five-year housing land supply.
- 5.1.4 There is therefore an evidenced unmet need for housing within the District. In addition, the Council's Strategic Housing consultation response records 737 applicants or families on the Housing Register. NPPF Policy HO7 requires substantial weight to be given to the benefits of development which meets an evidenced need for homes. The proposed development would provide up to 140 dwellings, including 56 affordable homes at the policy-required 40%.

Presumption in Favour of Sustainable Development

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

Relationship with Settlement

- 5.1.7 Although outside the settlement boundary, the site is not physically detached or isolated from Latchingdon. It directly adjoins the existing built-up area of the village along its

northern and eastern sides and the main vehicular access would connect directly to The Street/B1018. A further pedestrian, cycle and emergency connection is proposed between numbers 61 and 63 The Street, alongside connections with the existing Public Rights of Way network.

- 5.1.8 The relationship of the site to Latchingdon was considered in detail by the Inspector in determining the appeal relating to the materially identical development under application 24/01004/OUTM. Although the Inspector identified conflict with the adopted settlement strategy, the location was found to be accessible on balance. The Inspector did not identify a severe highway impact and accepted that, whilst some additional reliance on the private car would arise, this did not make the location unacceptable for development. Those findings are recent and remain directly relevant to the current proposal.
- 5.1.9 The current application also incorporates a small village centre, including local retail provision, approximately 600 square metres of flexible employment floorspace, pedestrian and cycle routes, public open space, woodland and allotments. These elements would provide opportunities for some day-to-day needs, employment and recreation to be met within the development and improve its integration with the existing village.
- 5.1.10 The additional population would inevitably place additional demands on local infrastructure. Contributions have been identified towards early years and childcare, primary education, secondary school transport, healthcare and library provision, together with travel-plan monitoring and other necessary mitigation. The Section 106 agreement would also secure the affordable housing, Essex Coast RAMS contribution, habitat mitigation and the long-term management of open space and green infrastructure. Any public transport contribution would only be secured where the necessary justification demonstrates compliance with Regulation 122.
- 5.1.11 Anglian Water has identified constraints in relation to foul-water treatment and network capacity. However, as with the previous appeal, these can be addressed through a strategic foul-water condition preventing development and occupation from proceeding without an agreed and deliverable solution. The Lead Local Flood Authority raises no objection subject to conditions. The Environment Agency has now considered the revised clear-span bridge and watercourse proposals and confirmed that these satisfactorily address its previous concerns, subject to the identified conditions.
- 5.1.12 Taking these matters together, there is no evidence that the scale of the development cannot be accommodated through existing or proposed infrastructure, provided that the identified conditions, highway works and planning obligations are secured. The proposal therefore satisfies the infrastructure element of Policy S5(1)(j).

Previous Appeal

- 5.1.13 The previous appeal decision is a significant material consideration. The Inspector considered the same maximum quantum and mix of development and identified conflict with the settlement strategy. However, only limited localised landscape harm was found, there was no undue harm to the identity of Latchingdon, and the location was considered accessible on balance. Foul drainage, highways, infrastructure and the majority of the planning-obligation matters were considered to be capable of satisfactory resolution.
- 5.1.14 The appeal was ultimately dismissed because the evidence then available was insufficient to allow the Inspector to exclude an adverse effect on the integrity of the relevant Habitats sites, and because the submitted flood-risk sequential test had not adequately considered reasonably available sites contained within the Council's HEELA.
- 5.1.15 The present application has sought specifically to address those matters. Further wintering and breeding bird surveys, an updated ecological assessment and shadow HRA

have been submitted and considered by Place Services Ecology, the Local Planning Authority and Natural England. The Council has now completed an Appropriate Assessment and Natural England raises no objection to its conclusions subject to the identified mitigation. The revised flood sequential test has also considered the HEELA sites omitted from the previous assessment and, for the reasons set out in section 5.7 of this report, addresses the deficiency identified by the Inspector.

Agricultural Land

- 5.1.16 The development would result in the permanent loss of agricultural land. This is an adverse effect of the proposal and is considered further within the Landscape, Green Infrastructure and Agricultural Land section of this report. However, the Inspector considering the previous appeal gave limited weight to the loss of approximately 14.2 hectares of Grade 3 agricultural land at this site. There has been no material change in circumstances which would justify a different conclusion in respect of this matter.

Principle of Development Summary

- 5.1.17 The proposal remains in conflict with Policies S1, S2 and S8 of the LDP because the site lies outside the defined settlement boundary and is not allocated for development. However, the Council cannot demonstrate a five-year housing land supply and there is therefore an evidenced unmet need for housing. The site directly adjoins Latchingdon and has been found by the previous Inspector to be accessible on balance. All statutory consultee responses have been addressed (subject to planning obligations and conditions) and as such it is considered that the scale of development can be accommodated subject to the infrastructure improvements, conditions and planning obligations identified within this report.
- 5.1.18 The proposal therefore falls within the category of development supported by NPPF Policy S5(1)(j). The principle of development is acceptable under current national policy, subject to the assessment of the development against the remaining national decision-making policies and the overall planning balance at section 5.11. The conflict with the adopted spatial strategy remains an adverse consideration in that balance rather than being displaced by Policy S5.

5.2 Housing Provision, Affordable Housing and Mix

- 5.2.1 Policies H1, H2 and H4 of the LDP and NPPF Policies HO7 to HO9 seek delivery of homes that meet evidenced needs, including affordable, accessible and appropriately mixed accommodation. Policy H1 requires 40% affordable housing at this location. The latest local housing evidence indicates an affordable tenure mix of 80% rented and 20% intermediate housing, with 75% of the rented element as Social Rent, and identifies particular need for larger rented homes and accessible accommodation.
- 5.2.2 The scheme offers 40% affordable housing, equating to 56 dwellings at the maximum 140 unit quantum. Strategic Housing supports that provision and requests the current market and affordable bedroom mixes, Nationally Described Space Standards, M4(2) for all homes as a starting point, at least 10% M4(3), rented one bedroom bungalows, controlled service charges and delivery by an eligible Registered Provider. Latchingdon's Designated Protected Area status requires the shared ownership staircasing restriction to be addressed in the legal agreement unless the necessary approvals are obtained.
- 5.2.3 Public comments raise concern that the type and timing of homes and local facilities may not meet local needs. The 40% affordable offer is policy compliant and attracts substantial positive weight. The final tenure, mix, accessibility, clustering, nomination, affordability and occupation triggers must be secured by the Section 106 agreement and a whole

scheme housing mix condition. Subject to those controls, the proposal accords with Policies H1, H2 and H4 and NPPF Policies HO7, HO8 and HO9.

5.3 Design, Layout and Quality of Accommodation

- 5.3.1 Policies D1 and H4 and NPPF Policies L2, L3, DP3 and DP4 require efficient, inclusive and context responsive development with a coherent movement network, legible public realm, appropriate density, usable open space and safe relationships between homes and other uses. As an outline application, detailed layout, scale, appearance and landscaping remain reserved, but the parameter plans must provide a robust framework capable of delivering those outcomes.
- 5.3.2 The illustrative masterplan shows two connected housing parcels, a central mixed use element, principal green corridors, SuDS, woodland, allotments and links to surrounding rights of way. Police Designing Out Crime supports continued engagement on natural surveillance, secure cycle and refuse storage, public space, movement routes and lighting. Fire and Rescue advises that detailed access, appliance turning and water supplies must be demonstrated at reserved matters stage.
- 5.3.3 The parameter framework is capable of producing an acceptable place, but the quality relied on in the planning balance must be secured through an approved phasing plan, site wide masterplan and design code before the first reserved matters submission. Conditions also require levels, materials, boundaries, parking, refuse, accessible homes, mixed use relationships and delivery of the village centre and employment floorspace. Subject to those controls, the outline design position is considered acceptable.

5.4 Landscape, Green Infrastructure and Agricultural Land

- 5.4.1 Policies D1, N1 and N2 and NPPF Policies N2 and N3 require development to respond to landscape character, retain important trees and hedgerows, integrate green infrastructure and minimise the use of higher quality agricultural land where practicable. The site would permanently replace open farmland at the village edge with built development, creating an urbanising change visible from nearby roads, homes and rights of way.
- 5.4.2 The Landscape and Visual Impact Appraisal, illustrative masterplan and external landscape review identify retained hedgerows, substantial new planting, community woodland, green corridors, public open space, allotments and SuDS. The Council's arboricultural and green infrastructure advisers raise no objection subject to tree protection, a landscape and ecological management plan, early structural planting, habitat management and long term maintenance.
- 5.4.3 The Inspector considering the identical scheme found limited localised landscape harm and no undue harm to the identity of Latchingdon. That is a material and recent finding. The loss of agricultural land and change to countryside character attract moderate adverse weight, but the retained structure, substantial green infrastructure and reserved matters controls can integrate the development and protect separation. The proposal is therefore acceptable in landscape terms subject to conditions and management obligations.

5.5 Heritage and Archaeology

- 5.5.1 Policy D3 and NPPF Policies HE4 to HE7 and HE10 require the significance of heritage assets and the contribution of setting to be understood, harm to be avoided or justified, and archaeological interest to be investigated and recorded. The listed Red Lion, Chestnuts, Anchor Cottage and Christ Church lie within the wider study area.

- 5.5.2 The Conservation Officer has been consulted on the proposal and advises that development would not harm the significance or settings of the listed buildings. Place Services Archaeology identifies medium potential for later prehistoric, Roman and medieval remains and high potential for post medieval remains. It requests a staged programme comprising an approved written scheme, trial trench evaluation, mitigation, fieldwork, post excavation assessment, publication and archive deposition.
- 5.5.3 No public comment identifies a substantiated heritage effect beyond the general change to village character. The designated heritage conclusion is neutral. Subject to the five stage archaeological condition, the proposal would preserve archaeological interests through investigation and recording and accords with Policy D3 and the relevant NPPF Policies.
- 5.6 Transport, Access and Highway Safety**
- 5.6.1 Policies T1 and T2 and NPPF Policies TR3, TR4, TR6 and TR8 require significant development to be in a sustainable location or made sustainable, provide safe and suitable access for all users, prioritise walking, wheeling and cycling, and mitigate significant network and safety effects to an acceptable degree. A Transport Assessment and Framework Travel Plan accompany the application.
- 5.6.2 Essex County Council Highways has been consulted and raises no objection subject to construction management, the B1018 access and visibility splays, access geometry, a two metre footway, the pedestrian/cycle/emergency link, improvements to PRoW 7, 8 and 10, travel planning and packs, a Traffic Regulation Order and public transport mitigation. Active Travel England directs the authority to standing advice. The proposal includes the main B1018 access and a connected walking and cycling network.
- 5.6.3 Public and parish comments identify existing congestion, collisions, speeding, HGV (Heavy Goods Vehicle) movements, constrained junctions, pedestrian danger and limited public transport. The Inspector considering the identical scheme found the location accessible on balance, although some additional car dependence would arise, and did not identify severe highway harm. The current Highway Authority position confirms that the access and network effects can be made acceptable through conditions and delivered works.
- 5.6.4 The requested £425,000 public transport contribution is indexed from April 2025. The previous Inspector found that an equivalent bus contribution did not satisfy Regulation 122 because its calculation had not been justified. Whilst the principle of such a contribution is accepted by the applicant, the final figure relating to this obligation will be confirmed once ECC Highways have provided a justification demonstrating compliance with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) for the amount sought, during the course of the S106 process.

5.7 Flood Risk, Watercourses and Drainage

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

Sequential Test

- 5.7.2 The majority of the application site, including the proposed residential development parcels, lies within Flood Zone 1. However, Sharps Farm Brook crosses the site and parts

of the proposed access and watercourse corridor fall within Flood Zones 2 and 3. The development does not therefore fall within the exemption from the Sequential Test provided by Policy F5. This is consistent with the approach taken by the Inspector when considering the previous appeal.

- 5.7.3 The previous appeal was dismissed in part because the Inspector was not satisfied that the Sequential Test had been adequately undertaken. Whilst alternative sites had been considered, the assessment had not specifically considered potentially suitable sites identified through the Council's Housing and Economic Land Availability Assessment (HEELA). The Inspector did not accept that land could simply be excluded from consideration because it was being promoted by another landowner or developer. The deficiency was therefore principally one of the scope and robustness of the alternative-site assessment rather than a finding that the proposed development could not otherwise be made safe from flooding.
- 5.7.4 The applicant has submitted a revised Sequential Test dated February 2026 specifically in response to that finding. The assessment now includes sites identified through the Council's HEELA and considers 29 sites between approximately 5 and 20 hectares across the District. These comprise sites within Burnham-on-Crouch, Bradwell-on-Sea, Langford, Heybridge, Maldon, Mayland, North Fambridge, Stow Maries, Southminster and Tollesbury.
- 5.7.5 The assessment considers the current circumstances of each site, including its planning status, known constraints, suitability for significant residential development, location and relationship to the need being addressed by the proposal. Some sites are already committed to other development, whilst others have previously been refused or dismissed at appeal because of landscape, accessibility, heritage or infrastructure constraints. A number of sites are currently being promoted through planning applications and these have also been considered rather than excluded simply because they are outside the applicant's ownership.
- 5.7.6 The applicant has applied a site-size range of approximately 5 to 20 hectares. This reflects the scale of the application site, at approximately 15.84 hectares, and the nature of the development proposed. The scheme is not simply for the provision of housing in isolation, but for a residential-led mixed-use development of up to 140 dwellings together with a village centre, employment floorspace, community woodland, allotments, open space and associated infrastructure. The applicant's case is that development below a certain scale would not provide the critical mass necessary to support and deliver those elements of the scheme. Officers consider that this provides a reasonable and proportionate basis for identifying realistic alternatives.
- 5.7.7 National guidance recognises that in some circumstances a large-scale development may be capable of being accommodated across a number of smaller alternative sites. However, this is only relevant where those alternatives would be capable of accommodating the development in a way which would meet the same development needs and serve its intended market as effectively. In this case, Officers consider that a collection of substantially smaller and geographically separate housing sites would not provide a realistic alternative to the form of development proposed, as it would not provide the concentration of development necessary to support the proposed village centre, community woodland and associated integrated infrastructure.
- 5.7.8 Nevertheless, the assessment considers whether an identified lower-risk site would be reasonably available and capable of accommodating a development of broadly comparable scale and function. The revised assessment identifies 29 HEELA sites across a range of settlements and considers their planning status, availability, known constraints, scale, location and deliverability. Importantly, sites identified through the HEELA are now

included rather than being excluded simply because they are promoted or controlled by other parties. Sites with existing commitments, previous refusals or dismissed appeals, pending applications and those without recent planning histories have all been considered on their individual circumstances.

- 5.7.9 Having reviewed the revised assessment against the Inspector's previous findings and the Council's own evidence on land availability, Officers consider that the identified search parameters are proportionate to the scale and nature of the development and that the exercise now provides a sufficiently robust assessment of realistic lower-risk alternatives. No reasonably available site has been identified which is at a lower risk of flooding and is capable of accommodating the same development need within a comparable timeframe. Officers therefore consider that the requirements of the Sequential Test have been met.

Flood Safety and Exception Test

- 5.7.10 The previous Inspector separately considered the safety of the development and the Exception Test. The Inspector was satisfied that the development could be made safe throughout its lifetime without increasing flood risk elsewhere and that, subject to the Sequential Test being satisfied, the wider sustainability benefits of the proposal were sufficient to satisfy the Exception Test. There has been no material change to the nature or location of the development which would justify a different conclusion.
- 5.7.11 The proposed residential parcels remain located outside the areas of fluvial flood risk. Appropriate finished floor levels, flood-resilient access arrangements and emergency procedures can be secured through condition, whilst the proposed pedestrian, cycle and emergency connection provides an additional route from the site. Having regard to the substantial housing and affordable housing benefits identified elsewhere in this report, Officers consider that the requirements of NPPF Policy F6 are satisfied.

Watercourses

- 5.7.12 The Environment Agency previously raised concerns regarding the proposed culverting of Sharps Farm Brook and requested further river-condition evidence, hydraulic modelling and consideration of open or clear-span crossings. In response, the applicant submitted a Technical Bridge Note dated 28 August 2026 which proposes the removal of Culverts 2 and 3, replacement of Culvert 1 with a clear-span footbridge and a clear-span vehicular bridge of approximately 22 metres in length. The bridge foundations would be set approximately eight metres from the bank tops and the soffit level would be approximately 600mm above the identified 1% annual probability plus climate-change flood level.
- 5.7.13 The Environment Agency has considered the revised proposals and confirmed that its previous concerns have been satisfactorily addressed, subject to the detailed watercourse and flood-modelling requirements submitted. The revised approach avoids unnecessary culverting, maintains flood conveyance and provides for restoration of the watercourse corridor.

Surface Water and Foul Drainage

- 5.7.14 The Lead Local Flood Authority raises no objection subject to detailed surface water drainage conditions requiring greenfield discharge rates, appropriate climate-change and urban-creep allowances, storage, water-quality treatment, exceedance routing and appropriate long-term maintenance arrangements. Separate conditions secure construction-stage drainage and lifetime maintenance and inspection of the SuDS system.
- 5.7.15 Anglian Water has identified constraints within the foul-water network and receiving water recycling centre. However, it has confirmed that these matters can be addressed through

a strategic foul-water condition. The condition would prevent occupation until the necessary infrastructure serving the relevant development is available. The previous Inspector also accepted that a Grampian-style condition was an appropriate means of addressing this matter.

Conclusion

- 5.7.16 The previous appeal was not dismissed on the basis that the development could not be made safe from flooding. The outstanding issue was the adequacy of the Sequential Test, principally because the assessment had not properly considered the potential alternatives identified within the HEELA. The February 2026 assessment has materially widened that exercise and now considers 29 HEELA sites, including land outside the applicant's control.
- 5.7.17 Having considered that assessment alongside the Council's own evidence on land availability and the requirements of current national policy, Officers are satisfied that the deficiency identified by the previous Inspector has been sufficiently addressed and that no reasonably available lower-risk alternative appropriate for the development has been identified. Together with the Environment Agency's acceptance of the revised watercourse proposals, the absence of objection from the Lead Local Flood Authority and the drainage controls proposed, the development is considered acceptable in flood risk and drainage terms and accords with Policy D5 of the LDP and NPPF Policies F4 to F8.

Ecology, Habitats Regulations and Biodiversity Net Gain (BNG)

- 5.7.18 Policies N1 and N2 and NPPF Policies N2, N3 and N6 require biodiversity harm to be avoided or mitigated, ecological networks and trees to be strengthened and international sites to be protected. Policy N6 requires refusal unless an Appropriate Assessment concludes that the proposal would not adversely affect the integrity of the affected Habitats site, alone or in combination, or the statutory derogation route is satisfied.
- 5.7.19 The earlier appeal was dismissed because the evidence did not exclude use of the site as functionally linked land by qualifying bird features and no lawful Appropriate Assessment could be completed. The present application includes wintering and breeding bird surveys, an updated walkover, river condition assessment, shadow Habitats Regulations Assessment (HRA) and Biodiversity Metric version 7. Place Services Ecology advised on 4 August 2026 that no qualifying coastal bird features were recorded on the site, no functionally linked land is identified, and no ecological objection remains subject to conditions. The further evidence therefore addresses the principal evidential deficiency identified through the previous appeal.
- 5.7.20 The applicant's shadow HRA and Appropriate Assessment have been treated as technical evidence to inform the Council's assessment rather than as a substitute for the Local Planning Authority's statutory role. Officers have independently reviewed the shadow HRA alongside the updated ecological surveys, the advice of Place Services Ecology, the representations of Natural England and the mitigation proposed as part of the development. The Local Planning Authority is satisfied that the assessment provides an appropriate evidential basis for its own assessment and adopts the relevant findings and conclusions for that purpose.
- 5.7.21 The Appropriate Assessment considers the potential effects arising from recreational pressure upon the Crouch and Roach Estuaries SPA and Ramsar site, together with the previously identified potential for effects associated with functionally linked land. The additional survey evidence is sufficient to exclude an adverse effect through loss or disturbance of functionally linked land. Recreational effects would be addressed through the Essex Coast RAMS contribution together with the on-site recreational, information,

interpretation and dog-management measures identified within the assessment and secured through the Section 106 agreement and relevant conditions.

- 5.7.22 Natural England has been consulted on the Appropriate Assessment and supporting information and raises no objection to the conclusion reached, subject to the identified mitigation being secured. On this basis, the Local Planning Authority as competent authority is satisfied that the proposal would not adversely affect the integrity of the Crouch and Roach Estuaries SPA and Ramsar site, either alone or in combination with other plans and projects.
- 5.7.23 The requirements of the Habitats Regulations and NPPF Policy N6 are therefore satisfied, subject to the mitigation relied upon in the Appropriate Assessment being secured through the planning obligations and conditions identified within this report.

5.8 Residential Amenity, Air Quality, Noise and Ground Conditions

- 5.8.1 Policies D1 and D2 of the LDP and NPPF Policies P2 to P5 require safe and healthy living conditions, protection from unacceptable noise, air, light and contamination effects, and compatibility between housing, employment and other uses. Detailed relationships are reserved, but the parameters, Air Quality Assessment, Noise Impact Assessment and construction information provide the outline evidence base.
- 5.8.2 Public comments identify construction disturbance, HGV traffic, air pollution, noise, lighting, security and pressure on existing residents. Environmental health controls can address construction hours, dust, noise, vibration, routing, wheel washing, lighting and unexpected contamination. The mixed use centre and employment space will require appropriate separation, façade and ventilation standards and future operational controls at reserved matters stage.
- 5.8.3 Subject to the Construction Environmental Management Plan, noise, lighting, levels, layout and contamination conditions, the proposal is capable of protecting existing and future occupiers and accords with Policies D1 and D2 and NPPF Policies P2 to P5.

5.9 Community Infrastructure and Planning Obligations

- 5.9.1 LDP Policies I1, I2, E3 and E6 and NPPF Policies DM5, DM6, HC3 and HC4 require development to provide or fund infrastructure made necessary by the scheme. Every obligation must be necessary to make the development acceptable, directly related to it and fairly and reasonably related in scale and kind.
- 5.9.2 Essex County Council requests £343,560 for early years and childcare, £858,900 for primary education, £166,516 for secondary school transport, £15,440.60 for libraries and £750 monitoring per obligation, with the identified base dates and indexation, together with an Employment and Skills Plan. The Integrated Care Board requests £105,200 for 23 square metres of primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025. The Highway Authority requests an annual £1,883 travel plan monitoring fee and the provision described in the transport section.
- 5.9.3 The Section 106 agreement must also secure 56 affordable homes at 40%, the agreed tenure and mix, the Essex Coast RAMS contribution, on site Habitats mitigation, long term open space and green infrastructure management, any biodiversity mechanism not adequately secured by the statutory condition, and the relevant delivery and monitoring provisions. The proposed bus contribution sought by ECC Highways will be confirmed during the S106 process once appropriate CIL compliance breakdown of costs has been provided.

5.10 Other Matters

- 5.10.1 The application includes a village centre and flexible employment component. Their scale is intended to provide local services and jobs for the enlarged community and was not identified as causing an unacceptable retail or economic effect in the previous decision. Detailed floorspace, use, servicing, opening hours and phasing must be controlled so that the benefits are delivered and residential amenity is protected.
- 5.10.2 The Environmental Impact Assessment screening record for the previous scheme, 24/00382/SCR, concluded that Environmental Impact Assessment was not required. The current application is materially the same in scale and character, and no new characteristic has been identified that would alter that conclusion.
- 5.10.3 The recommendation includes a list of planning conditions and it includes a list of pre-commencement planning conditions with those identified in the conditions list setting out their clear justification why they are pre-commencement conditions and identifying the necessary information required to meet the requirements of the planning condition to mitigate the impact of the development in accordance with the tests set out in Planning Legislation. The list of planning conditions including all the pre-commencement conditions have been agreed with the applicant to accord with the Council's requirements of section 100ZA(5) of the Town and Country Planning Act 1990 (as amended).

5.11 Planning Balance

- 5.11.1 The application site lies outside the defined settlement boundary of Latchingdon and is not allocated for development within the LDP. The proposal therefore conflicts with Policies S1, S2 and S8 insofar as they seek to direct residential growth to allocated sites and within defined settlements. The development in this case would result in the expansion of Latchingdon onto undeveloped agricultural land and that conflict must be given appropriate weight.
- 5.11.2 However, the Council cannot demonstrate a five-year housing land supply. NPPF Policy S5(1)(j) supports development outside settlements where it would address an evidenced unmet need, is physically well related to an existing settlement and is of a scale that can be accommodated having regard to existing or proposed infrastructure. For the reasons set out at section 5.1, the proposal is considered to meet those requirements. The site immediately adjoins Latchingdon, is well-related to the village, and the previous Inspector found the location accessible on balance. The infrastructure necessary to accommodate the development can be secured through the conditions, highway works and planning obligations identified within this report.
- 5.11.3 The proposal therefore falls within the category of development supported by Policy S5(1)(j). It should be approved unless its benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies in the NPPF. The development-plan conflict remains part of that assessment, together with the landscape, agricultural-land, transport and other effects of extending the village into the countryside.

Social Benefits

- 5.11.4 The delivery of up to 140 dwellings would make a material contribution towards meeting the District's housing needs at a time when the Council cannot demonstrate a five-year housing land supply. NPPF Policy HO7 requires substantial weight to be given to the benefits of development which meets an evidenced accommodation need. The housing provision therefore attracts substantial positive weight.
- 5.11.5 The development would provide 56 affordable homes, representing 40% of the maximum housing quantum. The Housing Register contained 737 applicants or families at the time

of the Strategic Housing consultation response and the Council's housing evidence identifies a continuing need for affordable rented and accessible accommodation. The delivery of 56 secured affordable homes therefore attracts substantial positive weight.

- 5.11.6 The development would also provide public open space, community woodland, allotments and additional recreational routes. Whilst part of this provision is necessary to provide an acceptable living environment and mitigate the effects of the development, the scale and public accessibility of the overall package would provide some wider community benefit. Moderate positive weight is given to these elements in combination.

Economic Benefits

- 5.11.7 The proposed village centre and approximately 600 square metres of flexible employment floorspace would provide opportunities for local services and employment within the enlarged village. These uses form an integral part of the proposal and their delivery would be secured through the proposed conditions. Moderate positive weight is given to this provision.
- 5.11.8 Construction of the development would support direct and supply-chain employment and would result in additional expenditure within the local economy. As a significant proportion of this benefit would be temporary, it attracts limited positive weight.

Environmental Benefits

- 5.11.9 The submitted biodiversity metric identifies gains of 64.85% in habitat units, 75.01% in hedgerow units and 88.79% in watercourse units. The statutory minimum is not itself an additional planning benefit; however, the substantial gains above that minimum, secured through the Biodiversity Gain Plan and long-term habitat management, attract moderate positive weight.
- 5.11.10 The proposed pedestrian and cycle connections, improvements to the Public Rights of Way network and links through the site would improve local permeability and provide additional opportunities for active travel and recreation. To the extent that these measures provide improvements beyond those necessary solely to mitigate the development, they attract limited positive weight.

Adverse Impacts of the Proposal

- 5.11.11 The site is outside the defined settlement boundary and the proposal conflicts with the spatial strategy contained within Policies S1, S2 and S8 of the LDP. Unlike sites forming part of an identified strategic allocation, the application land has no development-plan allocation for housing. Notwithstanding the site's close physical relationship with Latchingdon and the change in national policy since adoption of the LDP, this conflict is a material adverse consideration but attracts limited adverse weight based upon the approach taken by the revised NPPF at Annex A.
- 5.11.12 The development would permanently replace open agricultural land at the edge of Latchingdon with residential and mixed-use development and would therefore result in an urbanising change to the character of the site. The previous Inspector nevertheless found only limited localised landscape harm and no undue harm to the identity of Latchingdon. Taking account of those findings, together with the retained hedgerows, landscape buffers, community woodland and proposed structural planting, moderate adverse weight is given to the landscape and countryside effect.
- 5.11.13 The development would result in the loss of agricultural land. The Inspector considering the materially identical scheme gave limited weight to the loss of approximately 14.2

hectares of Grade 3 agricultural land. In the absence of any material change in the evidence, limited adverse weight is similarly given to that effect.

- 5.11.14 Some additional reliance upon travel by private car would arise as a result of the development, despite connectivity to the existing village. This was recognised by the previous Inspector, who nevertheless found the location accessible on balance and did not identify severe highway harm. Taking into account the Highway Authority's position that the scheme is acceptable subject to conditions/planning obligations, together with the walking, cycling and travel plan measures proposed, this residual effect attracts limited adverse weight.
- 5.11.15 Construction of a development of this scale would result in temporary noise, dust, construction traffic and visual disturbance. These effects would occur over a finite period and can be reduced through a detailed Construction Environmental Management Plan, routing arrangements and controls over working hours. Limited adverse weight is therefore given to the temporary construction effects.
- 5.11.16 No separate adverse weight is given in relation to heritage, drainage, ecological effects, highway safety or residential amenity. Those matters have been assessed against the relevant national decision-making policies and are considered acceptable subject to the identified conditions and obligations. In particular, the Environment Agency has accepted the revised watercourse-crossing proposals and the completed Appropriate Assessment, following consultation with Natural England, concludes that the development would not adversely affect the integrity of the relevant Habitats sites.

Planning Balance Summary

- 5.11.17 The principal benefits of the proposal are the delivery of up to 140 homes in circumstances where the Council cannot demonstrate a five-year housing land supply and the provision of 56 affordable homes. Both attract substantial positive weight in the context of the updated NPPF policies. Further moderate benefits arise from the village centre and employment provision, publicly accessible green infrastructure and the biodiversity gains above the statutory minimum, together with more limited economic and active-travel benefits.
- 5.11.18 Against these benefits, moderate adverse weight is given to the conflict with the adopted spatial strategy and to the change in countryside and landscape character. Limited adverse weight is given to the loss of agricultural land, additional car dependence and temporary construction effects. The recent appeal decision is particularly relevant to these matters, as the Inspector found only limited localised landscape harm, no undue harm to the identity of Latchingdon and considered the location accessible on balance.
- 5.11.19 The two matters which resulted in dismissal of the previous appeal have now been addressed. The revised sequential assessment deals with the deficiency identified by the Inspector, whilst the additional ecological evidence has enabled the Local Planning Authority to complete an Appropriate Assessment concluding that there would be no adverse effect on the integrity of the relevant Habitats sites. Natural England raises no objection to that conclusion and the Environment Agency has confirmed the acceptability of the revised watercourse proposals.
- 5.11.20 The previous appeal was dismissed because the Inspector was not satisfied with the sequential assessment and because a Habitats Regulations Assessment had not been completed. Those matters have now been addressed. The revised sequential assessment responds to the deficiency identified by the Inspector, while the additional ecological evidence has enabled the Local Planning Authority to complete an Appropriate Assessment. That assessment concludes that the development would not adversely affect the integrity of the relevant Habitats sites, and Natural England has raised no

objection. The Environment Agency has also accepted the revised watercourse-crossing proposals.

- 5.11.21 Having regard to the assessment above, the identified adverse effects would not substantially outweigh the benefits of the development. The proposal therefore satisfies the decision-making test in NPPF Policy S5. Officers therefore recommend that planning permission be granted subject to the proposed conditions and the applicant entering into a legal agreement to secure the necessary planning obligations set out in section 8.

6. ANY RELEVANT SITE HISTORY

- 6.1 The following applications are of relevance to the site:

Reference	Description	Decision
24/00382/SCR	Request for an Environmental Impact Assessment (EIA) screening opinion for the residential led mixed use development.	EIA not required
24/01004/OUTM	Outline application for the same maximum 140 dwellings, 40% affordable housing, village centre, employment, access, open space, drainage and infrastructure.	Appeal dismissed
22/01174/OUTM	Land north of the Groves: outline residential development referenced in the earlier committee and appeal evidence.	Appeal allowed 6 February 2024 (APP/X1545/W/23/3331398)

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

- 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Recommends refusal: outside settlement boundary, scale, character, cumulative infrastructure, winter bird evidence, flood sequential test and Anglian Water capacity.	See Principle of Development, Landscape, Flood Risk, Ecology and Community Infrastructure. The specialist evidence resolves several matters, along with proposed conditions and planning obligations
Mayland Parish Council	Objects on infrastructure, flooding and sewage, roads and emergency access, public transport, water, farmland, village character, health, parking, ecology and noise.	See Transport, Flood Risk, Landscape, Ecology, Amenity and Community Infrastructure. Conditions and obligations secure the necessary mitigation.

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	Raises concern regarding road effects and foul water treatment at Mundon Water Recycling Centre.	See Transport and Flood Risk, Watercourses and Drainage. Highway harm is acceptable subject to conditions/planning obligations; the strategic foul water condition prevents occupation without an approved solution.

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Initial Objection withdrawn following amendment to the technical bridge design at Sharps Farm Brook. Now withdrawn formally following technical update and no objections are raised subject to a planning condition requiring the development does not increase flood risk elsewhere and provides betterment to the surrounding community through green infrastructure provision	See Flood Risk, Watercourses and Drainage. The objection was withdrawn following submission of the revised clear-span crossing proposals
Essex County Council Highways	No objection subject to access and visibility details, footways, pedestrian/cycle/emergency links, PRow works, construction management, travel planning, a Traffic Regulation Order and transport mitigation.	Conditions and the planning obligation secure the accepted requirements. The £425,000 bus contribution is subject to separate Regulation 122 evidence.
Active Travel England	Standing advice and request for decision/committee notification.	The assessment applies the standing advice and NPPF Policies TR3, TR4 and TR6.
Anglian Water	Objects because treatment and foul network capacity are unavailable and pollution could result; alternatively requests a strategic foul water condition before commencement and occupation.	The previous Inspector accepted that a Grampian style condition could address this issue. Condition proposed to require submission of details
Lead Local Flood Authority	No objection subject to detailed surface water, construction drainage, maintenance and annual log conditions.	Conditions proposed to require submission of details in this regard.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Education / Infrastructure	Requests education, secondary transport, recycling, waste transfer, library and monitoring contributions and an Employment and Skills Plan.	The Section 106 agreement will secure the final formula based package in section 8, subject to Regulation 122 and legal sign off.
NHS Integrated Care Board	Requests £105,200 for 23 square metres of local primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025.	The identified project, formula, trigger, indexation and repayment provisions are included in the draft heads of terms.
Essex Police Designing Out Crime	No objection; requests detailed CPTED (Crime Prevention Through Environmental Design), surveillance, security, parking, EV (Electric Vehicle) charging, lighting and public realm input.	These matters are controlled through the design code and reserved matters submissions.
Essex County Fire and Rescue Service	Insufficient outline detail; future submissions must demonstrate appliance access, turning and water supplies. Advises sprinklers.	Proposed condition secures access and water supply details; sprinkler advice is an informative matter.
Natural England	No objection subject to completion of appropriate assessment or review of Shadow HRA and associated Appropriate Assessment	Addressed by additional submissions - see Ecology, Habitats Regulations and Biodiversity Net Gain.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	Supports 40% affordable housing: 56 homes, normally 80% rented and 20% intermediate, with 75% of rented homes as Social Rent; seeks the current mix, accessible standards and rented bungalows.	Secure the complete affordable housing scheme and occupancy controls in the Section 106 agreement and conditions.
Place Services Ecology	On 4 August 2026 withdrew the holding objection; finds no functionally linked land, supports the BNG metric and requests AA/Natural England steps and detailed ecological conditions.	The ecological evidence gap is resolved. Conditions proposed accordingly
Place Services Archaeology	Requests a five stage written scheme, evaluation, mitigation, fieldwork, post excavation, publication and archive programme.	Condition added which follows the requested substantive sequence.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Finds no harm to the significance or settings of the identified Grade II listed buildings.	No designated heritage reason for refusal arises.
Arboricultural Adviser	No objection subject to retention, protection and detailed Arboricultural Method Statement and Tree Protection Plan controls.	Conditions proposed which secure those controls.
Green Infrastructure / Landscape	No objection subject to green infrastructure, construction, habitat and landscape management strategies and long term logs.	Conditions proposed along with Section 106 management obligations to secure the scheme.

7.4 Site Notice / Advertisement

- 7.4.1 A press notice was published in the Maldon and Burnham Standard on 26 March 2026, with comments due by 17 April 2026. Site notices were placed in prominent positions at various locations surrounding the application site, including Burnham Road, Buchanan Way and a number of locations along The Street on 30 April 2026, with comments due by 22 May 2026.

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 A total of **20 objections** have been received from members of the public in relation to the proposal. The issues raised within these objections and the corresponding officer responses are summarised below.

Comment	Officer Response
<u>Traffic and highway safety</u> Existing congestion, speeding, collisions, HGVs, constrained roads, school crossing danger and emergency access would worsen.	See Transport, Access and Highway Safety. The Highway Authority raises no objection subject to the access, walking/cycling, PROW, construction and travel plan measures.
<u>Public transport and car dependence</u> Bus and rail services are limited, and residents would depend on private cars.	See Principle of Development and Transport. Some car dependence attracts limited harm, but the location was found accessible on balance and active travel measures are secured. Any bus contribution must first satisfy Regulation 122.
<u>Foul drainage and sewage</u> The water recycling centre and sewer network lack capacity and pollution may occur.	See Flood Risk, Watercourses and Drainage. No occupation may proceed without an approved and deliverable strategic foul water solution.
<u>Flooding and surface water</u> The access, brook, floodplain and drainage systems could expose people or neighbouring land to increased risk.	See Flood Risk, Watercourses and Drainage. Environment Agency has confirmed acceptance of the proposal. LLFA conditions are proposed to secure detailed drainage and maintenance.

Comment	Officer Response
<u>Schools, health and other infrastructure</u> Schools, GP services, emergency services, utilities and community facilities lack capacity.	See Community Infrastructure. Formula based education, transport, waste, library and healthcare mitigation and an Employment and Skills Plan are included in the Section 106 package.
<u>Ecology and designated sites</u> The site supports wildlife and farmland birds; the wintering bird survey may be insufficient, and designated sites may be harmed.	See Ecology, Habitats Regulations and Biodiversity Net Gain. Place Services now finds no functionally linked land - Natural England have confirmed proposal is acceptable.
<u>Countryside, landscape and village identity</u> The proposal is outside the settlement, would urbanise farmland and change Latchingdon's scale and rural character.	See Principle of Development, Landscape and Planning Balance. Moderate spatial and countryside harm is acknowledged; the previous Inspector found only limited landscape harm and no undue loss of village identity.
<u>Amenity, pollution and security</u> Construction, noise, dust, air pollution, lighting, overlooking and crime would affect residents.	See Design and Residential Amenity. Detailed layout and enforceable construction, lighting, noise, security and contamination controls address these effects.
<u>Previous appeal and cumulative development</u> The scheme is materially the same as the dismissed appeal and adds to other village growth.	See Previous Decision, Principle of Development and Planning Balance. The previous decision is fully addressed in relation to Habitats and sequential testing..

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

8.1 HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Head	Provision / Purpose
Affordable housing	40% on site provision: 56 homes at the maximum 140 dwellings; 80% rented and 20% intermediate; 75% of rented homes as Social Rent; agreed mix, accessibility, DPA staircasing, nomination, affordability, clustering, transfer and occupation controls.
Essex Coast RAMS	£175.55 per dwelling at the 2026/27 tariff, calculated against the final permitted dwelling count, with agreed payment trigger, indexation, recipient and administration.
On site Habitats mitigation	Provide, manage and retain the suitable alternative greenspace, resident information, interpretation, dog management and other measures relied upon in the final Appropriate Assessment, without double counting RAMS, open space or BNG.
Early years and childcare	£343,560, indexed from quarter 1 of 2025 and adjusted through the final Essex County Council (ECC) formula.
Primary education	£858,900, indexed from quarter 1 of 2025 and adjusted through the final ECC formula.

Head	Provision / Purpose
Secondary school transport	£166,516, indexed from quarter 2 of 2021 using the stated £6.26 per pupil per day basis and final pupil yield.
Healthcare	£105,200 for 23 square metres of primary care capacity at £4,575 per square metre, indexed from quarter 4 of 2025, with identified project, trigger and repayment provisions.
Libraries	£15,440.60, indexed from November 2025, subject to final formula and project definition.
Highway and active travel	Section 278 works, Traffic Regulation Order, travel plan, packs/vouchers, annual £1,883 monitoring fee indexed from April 2026, and delivery/monitoring of the agreed access, footway and PROW measures.
Public transport - provisional	£425,000 indexed from April 2025 towards bus service improvements (subject to provision of breakdown in costs from ECC Highways & CIL compliance)
Green infrastructure and open space	Transfer or management company arrangements for public open space, woodland, allotments, play, SuDS amenity land, routes, structural landscaping, inspection, replacement and lifetime maintenance.
Biodiversity	Any significant on site or off-site habitat security not adequately delivered by the statutory biodiversity net gain condition, with at least 30 years of management, reporting, remedial action and a defined responsible body.
Employment and Skills Plan	Construction Employment and Skills Plan with targets, delivery, reporting and proportionate monitoring.
Monitoring	ECC's stated £750 per obligation where evidenced, together with proportionate legal and monitoring costs and safeguards against double charging.

8.2 PROPOSED CONDITIONS

1. Outline time limits

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

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

2. Reserved matters

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

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

3. Approved access and plans

The means of vehicular access shall be carried out in accordance with drawing 130.PL03 Parameters Plan and the approved access drawings listed on the decision notice. No development other than site preparation approved under a

construction plan shall take place until the access engineering details have been submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the access serving it is available for use.

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

4. Maximum quantum and land uses

The development shall comprise no more than 140 dwellings, of which 40 per cent shall be affordable housing, together with a village centre building providing no more than 400 square metres gross internal area within Use Class E(a), no more than 600 square metres gross internal area of flexible employment floorspace within Use Class E, and the open space, woodland, allotments, drainage, routes and infrastructure shown on the approved parameter plans. No change between those uses shall occur except with express planning permission.

REASON: To define the scope of the outline permission and secure the development benefits relied upon in the planning balance in accordance with Policies S1, D1, E1, E2, E3, H1 and H4 of the Maldon District Local Development Plan and Policies S5, HO7, HO8, E2, E4, TC3 and TC4 of the NPPF.

5. Site wide phasing, masterplan and design code

Before the first reserved matters application is submitted, a site wide phasing plan, regulating masterplan and design code shall be submitted to and approved in writing by the Local Planning Authority. They shall define development parcels; housing and mixed use distribution; movement hierarchy; street types; density and height ranges; key frontages and spaces; access for emergency and service vehicles; walking, wheeling and cycling routes; parking and refuse principles; blue green infrastructure; retained vegetation; play, allotments and woodland; SuDS; utilities; biodiversity mitigation; delivery triggers; and design review arrangements. Every reserved matters submission shall include a compliance statement and shall accord with the approved documents.

REASON: To secure coordinated, inclusive and high quality phased development in accordance with Policies D1, H4, N1, T1 and T2 of the Maldon District Local Development Plan and Policies DP3, DP4, L2, L3, TR3 and TR4 of the NPPF.

6. Housing mix, space and accessibility

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

The development shall include not less than 15% of the total number of dwellings as bungalows and not less than 5% of the total number of dwellings as self-build or custom-build homes, as defined by the Self-build and Custom Housebuilding Act 2015 (as amended). Each residential reserved matters application shall demonstrate how the proposed mix contributes towards achieving these site-wide requirements.

All dwellings shall meet Building Regulations M4(2) unless a site-specific technical reason is submitted to and approved in writing by the Local Planning Authority. At least 10% of the dwellings shall meet Building Regulations M4(3), with the distribution of affordable accessible dwellings to be agreed with the Local Housing Authority.

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

7. Levels, materials and boundaries

No above ground development within a phase shall commence until existing and proposed levels, finished floor levels, external materials, boundary treatments, refuse and cycle stores, utility structures, meter boxes and hard surfacing details for that phase have been approved in writing. The approved details shall be completed before first occupation of the relevant building and retained thereafter.

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

8. B1018 access and visibility

No dwelling or commercial floorspace shall be occupied until the principal access, junction radii, carriageway, pedestrian crossing points and visibility splays have been provided in accordance with the drawings approved under condition 3. The splays shall be kept permanently clear of obstruction above 600 millimetres, and the access shall thereafter be retained for its intended use.

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

9. Two metre footway

Before first occupation, a continuous two metre wide footway and associated crossing facilities shall be provided along the site frontage and connected to the existing network in accordance with details approved in writing. The route shall be lit, drained, available for public use and retained thereafter.

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

10. Pedestrian, cycle and emergency link

Before occupation of the dwelling identified in the approved phasing plan as the agreed trigger, the pedestrian, cycle and emergency connection between numbers 61 and 63 The Street shall be completed in accordance with approved engineering, surfacing, lighting, access control, drainage and management details. It shall remain available for walking, wheeling, cycling and emergency use and shall not be used for general vehicular access.

REASON: To provide permeability and emergency resilience without creating an unintended general traffic route, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR8 of the NPPF.

11. Extension of 30mph speed limit

No dwelling shall be occupied until the extension of the existing 30mph speed limit on the B1018 to a point west of the principal site access has been secured through the appropriate Traffic Regulation Order process and brought into effect, and the associated traffic signs, gateway treatment and road markings have been provided in accordance with details agreed with the Highway Authority.

The approved measures shall thereafter be retained in accordance with the requirements of the Highway Authority.

REASON: To ensure that vehicle speeds on the B1018 are appropriately managed

in the vicinity of the site access and to provide safe and suitable access to the development, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

12. Public Rights of Way

No development which would affect Public Rights of Way 7, 8 or 10, or their connections through the application site, shall commence until a scheme for the protection and improvement of the relevant Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The scheme shall include, where applicable, details of surfacing, drainage, signage, accessibility, connections through the development, temporary diversions or alternative routes required during construction, and the timing and phasing of the permanent improvements.

No Public Right of Way shall be obstructed or made unavailable unless an authorised temporary or permanent alternative route is available for public use. The permanent improvements shall be implemented in accordance with the approved phasing and thereafter retained.

REASON: To protect and enhance the rights of way network in accordance with Policies T1, T2 and N3 of the Maldon District Local Development Plan and Policy TR8 of the NPPF.

13. Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall contain and address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (e) Details of construction any access or temporary access, and details of temporary parking requirements
- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- (g) Loading and unloading of plant and materials locations
- (h) Details of any temporary hardstandings
- (i) Details of temporary hoarding
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (l) Measures to reduce dust including dust suppression, control and containment of air emissions incorporating Best Practice Means along with air quality mitigation and monitoring
- (m) For dust and air quality management and mitigation:
 - i. The identification of all dust-generating activities and sensitive receptors
 - ii. The specific mitigation measures to be implemented across all phases (demolition, earthworks, construction, and trackout), including water suppression, haul-road speed limits, vehicle/wheel washing facilities, and covering of material transport/stockpiles

- iii. Procedures for visual daily/weekly site inspections, dust monitoring (where deemed high risk), and clearly defined trigger/action levels
- (n) Measures for water management including waste water and surface water discharge
- (o) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
- (p) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
- (q) A Site Waste Management Plan
- (r) For ecology and biodiversity:
 - i. Risk assessment of potentially damaging construction activities
 - ii. Identification of “biodiversity protection zones”
 - iii. 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)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. The times during construction when specialist ecologists need to be present on site to oversee works
 - vi. Responsible persons and lines of communication
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - viii. Use of protective fences, exclusion barriers and warning signs
- (s) Details of security lighting layout and design, and
- (t) Contact details for site managers including information about community liaison including a method for logging, handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP. **REASON:** To protect highway safety, amenity, ecology and water quality during construction in accordance with Policies D1, D2, N2, T1 and T2 of the Maldon District Local Development Plan and Policies P3, TR4, TR6, N2 and F8 of the NPPF.

14. Residential Travel Plan

Prior to first occupation of the development, a full Residential Travel Plan shall be approved in writing, including objectives, mode share targets, measures, travel information packs, sustainable transport vouchers, management, monitoring, annual reporting, review and remedial measures. It shall be implemented from first occupation for the approved monitoring period.

REASON: To promote sustainable travel and monitor the development's transport effects in accordance with Policies T1 and T2 of the Maldon District Local Development Plan and Policies TR3, TR4 and TR6 of the NPPF.

15. Strategic foul water strategy

No development shall commence until a strategic foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. The strategy shall identify the receiving water recycling centre and network, required capacity improvements, phasing, responsible undertaker, programme and an alternative lawful treatment solution if network improvements are unavailable. No dwelling or other building shall be occupied until the infrastructure serving it has been completed and written confirmation of capacity and connection has been provided. The approved strategy shall be implemented in full.

REASON: To prevent pollution and ensure that adequate foul water infrastructure is available in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies W4, P3 and F7 of the NPPF.

- 16. Watercourse crossings and flood modelling**
No development shall commence within eight metres of Sharps Farm Brook or any ordinary watercourse until final plans and cross sections of every crossing, hydraulic modelling, river condition assessment, bank treatment, foundation setbacks, soffit levels, construction sequence, culvert removal, channel restoration and maintenance access have been approved in writing by the Local Planning Authority in consultation with the Environment Agency and Lead Local Flood Authority. Crossings shall be clear span unless otherwise expressly approved, and the approved works shall be completed before the relevant route is brought into use.
REASON: To avoid unnecessary culverting, protect watercourse morphology and biodiversity and ensure flood conveyance in accordance with Policy D5 of the Maldon District Local Development Plan and Policies F4, F7, F8 and N2 of the NPPF.
- 17. Flood levels and emergency plan**
No development shall commence until a final site specific Flood Risk Assessment compliance scheme and Flood Emergency Plan have been approved in writing. They shall fix finished floor levels, flood resilient access, safe refuge and evacuation arrangements, responsibility for warnings and implementation, and demonstrate that the development will remain safe for its lifetime without increasing flood risk elsewhere. The approved measures shall be completed in accordance with the phasing and retained.
REASON: To secure safe development in accordance with Policy D5 of the Maldon District Local Development Plan and Policies F4 and F7 of the NPPF.
- 18. Detailed surface water drainage**
No development shall commence until a detailed surface water drainage scheme has been approved in writing. The scheme shall use the drainage hierarchy and greenfield discharge rates; demonstrate the 1 in 1, 1 in 30 and 1 in 100 year plus 45 per cent climate change events; include 10 per cent urban creep; provide storage, treatment, exceedance routes and half drain time within 24 hours; address groundwater and infiltration through BRE365 testing; integrate biodiversity and amenity; and identify outfalls, consents and phasing. No building shall be occupied until the serving system is operational.
REASON: To prevent flooding and pollution and provide multifunctional drainage in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies F4, F7 and F8 of the NPPF.
- 19. Construction surface water management**
No phase shall commence until a construction surface water management plan has been approved in writing. It shall identify temporary drainage, settlement and treatment, protection of watercourses and sewers, fuel and chemical controls, exceedance, inspection, maintenance, incident response and the sequence for bringing permanent SuDS into operation. Construction shall accord with the approved plan.
REASON: To prevent construction stage flooding and water pollution in accordance with Policies D2 and D5 of the Maldon District Local Development Plan and Policies P3, F7 and F8 of the NPPF.
- 20. SuDS maintenance and logs**
Before first occupation of a phase, a maintenance plan for every SuDS feature serving that phase shall be approved in writing, identifying the management body, access, tasks, frequencies, funding and remedial procedures. Annual inspection and maintenance logs shall be kept for the lifetime of the development and

supplied to the Local Planning Authority within 20 working days of a written request.

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

21. Archaeological programme

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured by an approved Written Scheme of Investigation. The programme shall include trial trench evaluation; any further mitigation strategy; excavation or preservation in situ; archaeological monitoring; post excavation assessment; analysis, publication and archive deposition. No phase shall proceed beyond the stage identified in the approved programme until the relevant work has been completed and confirmed in writing.

REASON: To preserve by record and, where appropriate, in situ archaeological remains in accordance with Policy D3 of the Maldon District Local Development Plan and Policies HE4, HE5 and HE10 of the NPPF.

22. Trees and hedgerows

No development shall commence until a final Arboricultural Method Statement and Tree Protection Plan compliant with BS 5837:2012 has been approved in writing. Retained trees and hedgerows shall be fenced before clearance or construction and protected from storage, plant, excavation, service installation and level changes. Approved supervision and replacement planting shall be completed, and any retained or replacement specimen that dies or becomes defective within five years shall be replaced in the next planting season.

REASON: To protect important landscape and biodiversity features in accordance with Policies D1, N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N3 of the NPPF.

23. Green infrastructure and landscape management

Before the first reserved matters submission, a site wide Green Infrastructure and Landscape Strategy shall be approved in writing. It shall define retained vegetation, structural and early planting, the western and southern buffers, woodland, allotments, public open space, play, SuDS integration, pedestrian routes, phasing, establishment, irrigation, replacement, management responsibilities and annual inspection. Phase landscaping shall accord with that strategy and be completed before the first planting season following occupation of the relevant phase.

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

24. Ecological mitigation

The development shall be carried out in accordance with the mitigation and enhancement measures in the Ecology Report version 1.6, wintering and breeding bird surveys, updated walkover, river condition assessment and the measures relied upon in the Council's Appropriate Assessment. Before each phase begins, a phase ecological method statement shall be approved in writing addressing protected species, nesting birds, reptiles and amphibians, badgers, watercourses, hedgerows, root zones, timing, ecological watching briefs, responsibilities, inspection and corrective action. The approved measures shall be implemented in full.

REASON: To avoid harm to protected and priority species and secure the mitigation relied upon in the Habitats Regulations assessment, in accordance with

Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2, N3 and N6 of the NPPF.

25. Farmland bird compensation

Before any habitat capable of supporting skylark or other farmland birds is removed, a Farmland Bird Mitigation Strategy shall be approved in writing. It shall provide at least eight suitably located skylark plots or an equivalent evidence based measure, avoid conflict with public access and predation risk, identify the land and responsible body, and secure management, monitoring and remedial action for not less than ten years. It shall be implemented before the affected breeding season and retained for the approved term.

REASON: To compensate for the predicted loss of two skylark territories and protect priority farmland birds in accordance with Policy N2 of the NPPF.

26. Biodiversity Construction Environmental Management Plan

No development shall commence until a Biodiversity Construction Environmental Management Plan has been approved in writing. It shall identify risk zones, protected habitats and species, retained vegetation and watercourses, precautionary methods, pollution controls, sensitive timing, ecological supervision, toolbox talks, exclusion fencing, incident response, compliance monitoring and reporting. The development shall accord with the approved plan.

REASON: To avoid construction stage harm to biodiversity in accordance with Policies N1 and N2 of the Maldon District Local Development Plan and Policies N2 and N6 of the NPPF.

27. Biodiversity enhancements

No development shall commence above slab level until a Biodiversity Enhancement Strategy providing integrated swift bricks, bat roosting features, hedgehog access, native planting, ponds and other habitat features appropriate to the approved metric and ecological evidence, has been submitted to and approved in writing by the local planning authority. The features shall be installed before occupation of the relevant buildings or completion of the relevant landscape area and retained thereafter.

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

28. Wildlife sensitive lighting

No external lighting shall be installed until a Lighting Design Strategy for biodiversity and amenity has been submitted to and approved in writing by the local planning authority. It shall identify sensitive receptors and dark corridors, specify horizontal and vertical illuminance, spectrum, shielding, mounting heights, hours and controls, and demonstrate no harmful illumination of retained hedgerows, watercourses, trees, habitats or neighbouring dwellings. Lighting shall be installed and operated only as approved.

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

29. Updated ecological surveys

Where a reserved matters submission or commencement of a phase occurs more than two years after the most recent relevant ecological survey, or where site conditions materially change, updated surveys and any necessary revised mitigation shall be submitted to and approved in writing before that phase commences. The approved mitigation shall be implemented in full.

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

30. Biodiversity Gain Plan and HMMP

The statutory biodiversity gain condition applies. Before any significant on-site habitat creation or enhancement identified in an approved Biodiversity Gain Plan commences, a Habitat Management and Monitoring Plan shall be approved in writing. It shall include baseline and target condition, creation and enhancement works, responsible bodies, a funding mechanism, management for at least 30 years, monitoring methods and success criteria, reports in years 1, 3, 5, 10, 15, 20, 25 and 30, and remedial or adaptive management. The plan shall be implemented and reports submitted as approved.

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

31. Recreational Disturbance / HRA mitigation

No development shall commence until a detailed Recreational Disturbance Mitigation Strategy and Long-Term Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall secure the mitigation measures relied upon in the Council's Appropriate Assessment and demonstrate how recreational effects upon the relevant Habitats sites will be avoided or mitigated, both alone and in combination with other plans and projects.

The Strategy shall include:

- a) the provision and specification of high-quality informal and semi-natural areas of public open space for recreational use;
- b) provision of a continuous circular dog-walking route of at least 2.7 kilometres within the site and/or incorporating appropriate connections with the surrounding Public Rights of Way network;
- c) details of the timing and phasing of the recreational mitigation, which shall ensure that the relevant provision is available prior to occupation of the dwellings which it is intended to serve;
- d) a long-term management and maintenance scheme identifying the responsible body, funding arrangements and management standards necessary to retain the mitigation for the lifetime of the development;
- e) interpretation boards and information for new residents promoting the on-site open space and Public Rights of Way as recreational destinations and explaining the sensitivity of the relevant coastal Habitats sites; and
- f) appropriate dog-management measures, including areas suitable for dogs to be exercised off lead and the provision and maintenance of dog-waste facilities.

The approved Strategy shall thereafter be implemented and the measures retained and managed in accordance with the approved details.

REASON: To secure the mitigation identified through the Habitats Regulations assessment of the proposal and to ensure that the development would not adversely affect the integrity of the relevant Habitats sites, either alone or in combination with other plans and projects, in accordance with the Conservation of

32. Contamination investigation

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

The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of potential risks to human health, property, adjoining land, groundwater and surface water, ecological systems and other relevant receptors; and
- c) an appraisal of remedial options and identification of the preferred remediation approach where required.

The investigation and assessment shall be undertaken in accordance with current Environment Agency Land Contamination Risk Management guidance and other relevant technical guidance.

REASON: To ensure that risks arising from land contamination are properly identified and addressed and to protect future occupiers, controlled waters and the environment, in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

33. Contamination Remediation

Where the investigation required by the preceding condition identifies contamination requiring remediation, no development within the affected area shall commence, other than works required to undertake remediation, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall identify the remediation objectives and criteria, the remediation measures to be undertaken, a programme for their implementation and a verification plan.

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

REASON: To ensure that any contamination identified on the site is appropriately remediated so that the development is suitable for its intended use and does not give rise to unacceptable risks to human health, controlled waters or the environment, in accordance with Policy D2 of the Maldon District Local Development Plan and Policies P2 and P3 of the NPPF.

34. Unexpected contamination

If contamination not previously identified is found, work in the affected area shall cease and a competent person investigation, risk assessment, remediation method and verification plan shall be approved in writing. The approved

remediation shall be completed and verified before development resumes in that area or the relevant building is occupied.

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

35. Village centre and employment delivery

Prior to occupation of the 71st dwelling, a delivery and occupation strategy for the village centre and employment floorspace shall be approved in writing, identifying the buildings and uses, servicing, parking, refuse, hours, fit out, marketing, delivery programme and fallback measures. The approved floorspace shall be completed and made available for occupation before occupation of the 111th dwelling and shall thereafter be retained for the approved uses unless otherwise authorised by a subsequent planning permission.

REASON: To secure the local service and employment benefits relied upon in the planning balance in accordance with Policies E1, E2, E3 and E6 of the Maldon District Local Development Plan and Policies E2, E4, TC3, TC4 and HC3 of the NPPF.

36. Fire access and water supplies

Each reserved matters application shall demonstrate compliance with current fire appliance access, turning, load bearing, clearance and water supply requirements. No dwelling or building shall be occupied until the approved access and hydrant or other water supply provision serving it is operational and available to the Fire and Rescue Service.

REASON: To provide safe emergency access and firefighting infrastructure in accordance with Policy D1 of the Maldon District Local Development Plan and Policies DP3 and TR4 of the NPPF.