

07 October 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the special meeting of the;

DISTRICT PLANNING COMMITTEE on THURSDAY 15 OCTOBER 2026 at 7.30 pm
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

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

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

A copy of the agenda is attached.

Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

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

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



**AGENDA
DISTRICT PLANNING COMMITTEE**

THURSDAY 15 OCTOBER 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 22 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. **26/00138/OUTM - Land South of Threeways and 45 The Street, Latchingdon, Essex** (Pages 7 - 50)

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

6. **26/00267/OUTM - Land Adjacent Pump House Catchpole Lane Great Totham Essex** (Pages 51 - 106)

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**
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Note:

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

* 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
15 OCTOBER 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. **BACKGROUND**

- 1.1 This application was considered by the District Planning Committee on 22 September 2026 with the following 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 Heads of Terms set out in Section 8 of the previous Committee report at **APPENDIX 1**, as updated by **APPENDIX 2**;
- (ii) the planning conditions set out in Section 8 of the previous Committee report at **APPENDIX 1**, as updated by **APPENDIX 2**.

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

- 1.2 The previous Committee report is attached at **APPENDIX 1** and related Addendum at **APPENDIX 2**.
- 1.3 At the meeting, Members questioned whether the flood risk sequential test had assessed a sufficiently broad range of reasonably available alternative sites across the District. Their questions concerned the search criteria, whether the housing

element should be considered separately from the other proposed uses, the treatment of sites in the Housing and Economic Land Availability Assessment (HELAA), and the effect of any shortfall in the planning balance. Members also asked about foul water capacity and the timing of an acceptable drainage solution. The Committee unanimously deferred determination for independent advice to be obtained.

- 1.4 This report summarises the written advice dated 6 October 2026 from Matthew Fraser of Landmark Chambers and sets out the officer recommendation following that advice.

2. COUNSEL ADVICE

- 2.1 Counsel advises that the Inspector's decision of 21 January 2026 on the earlier, largely identical proposal is a significant and material consideration in the assessment and Planning Balance. An outcome on a matter which is different to that of a conclusion on the same matter previously addressed by the Inspector would require a clear explanation. The Inspector dismissed that appeal because likely significant effects on 'functionally linked land associated with protected habitats' had not been satisfactorily excluded or addressed. Counsel notes that this issue has since been resolved through this current application.
- 2.2 On flood risk, the Inspector found that the earlier sequential test had not been satisfied because alternative Housing and Economic Land Availability Assessment (HELAA) sites had not been robustly assessed. The Inspector also found that the 'exception test' was passed, that only part of the access road would be directly affected by flood risk, and that the adverse effects of the sequential-test shortfall were limited.
- 2.3 Counsel has considered the current sequential-test assessment and the applicant's addendum dated 16 September 2026. His view is that the appraisal of alternative sites is unusually comprehensive and would be very likely to be accepted as satisfying the test. He agrees with the assessment in the Committee report, which was prepared before the addendum was received.
- 2.4 Counsel further advises that, if Members nevertheless conclude that the sequential test has not been satisfied, that conclusion must be considered in the planning balance. The previous Inspector gave the shortfall limited weight in the circumstances of that appeal, having found that the exception test was passed. It would not, of itself, necessarily determine the outcome of this application.
- 2.5 On foul water drainage, Counsel notes the Inspector's conclusion that the lack of current network capacity could be addressed by a suitably worded Grampian condition. The applicant's drainage consultants have since provided a note dated 1 October 2026 describing three alternative solutions. Counsel considers that the further work and the proposed condition support the same approach. The condition would prevent the development proceeding without an acceptable foul water infrastructure solution.
- 2.6 Counsel also considers the policy position under the August 2026 National Planning Policy Framework. He agrees with the report's approach to Policy S5(1)(j), under which the development should be approved unless its adverse effects substantially outweigh its benefits. He notes that Policy HO7 requires substantial weight to be given to meeting evidenced housing need, including the proposed affordable housing. In relation to infrastructure, he notes that Policy S5(1)(j)(i) refers to existing

or proposed availability; the proposed foul water condition is relevant to that assessment.

3. SUMMARY

- 3.1 The advice supports the officers' assessment that the current evidence satisfies the flood risk sequential test and that foul water drainage can be dealt with through an appropriately worded condition. Members should consider the advice alongside the previous Committee report, Addendum, representations and all other material planning considerations.
- 3.2 The officer recommendation remains to **APPROVE** the application and delegate authority to grant outline planning permission, subject to completion of the Section 106 agreement and the conditions set out in the previous Committee report and Addendum, including the foul water drainage condition. The proposed delegation to refuse if the agreement is not completed within the specified period also remains as set out at paragraph 1.1 above.

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**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

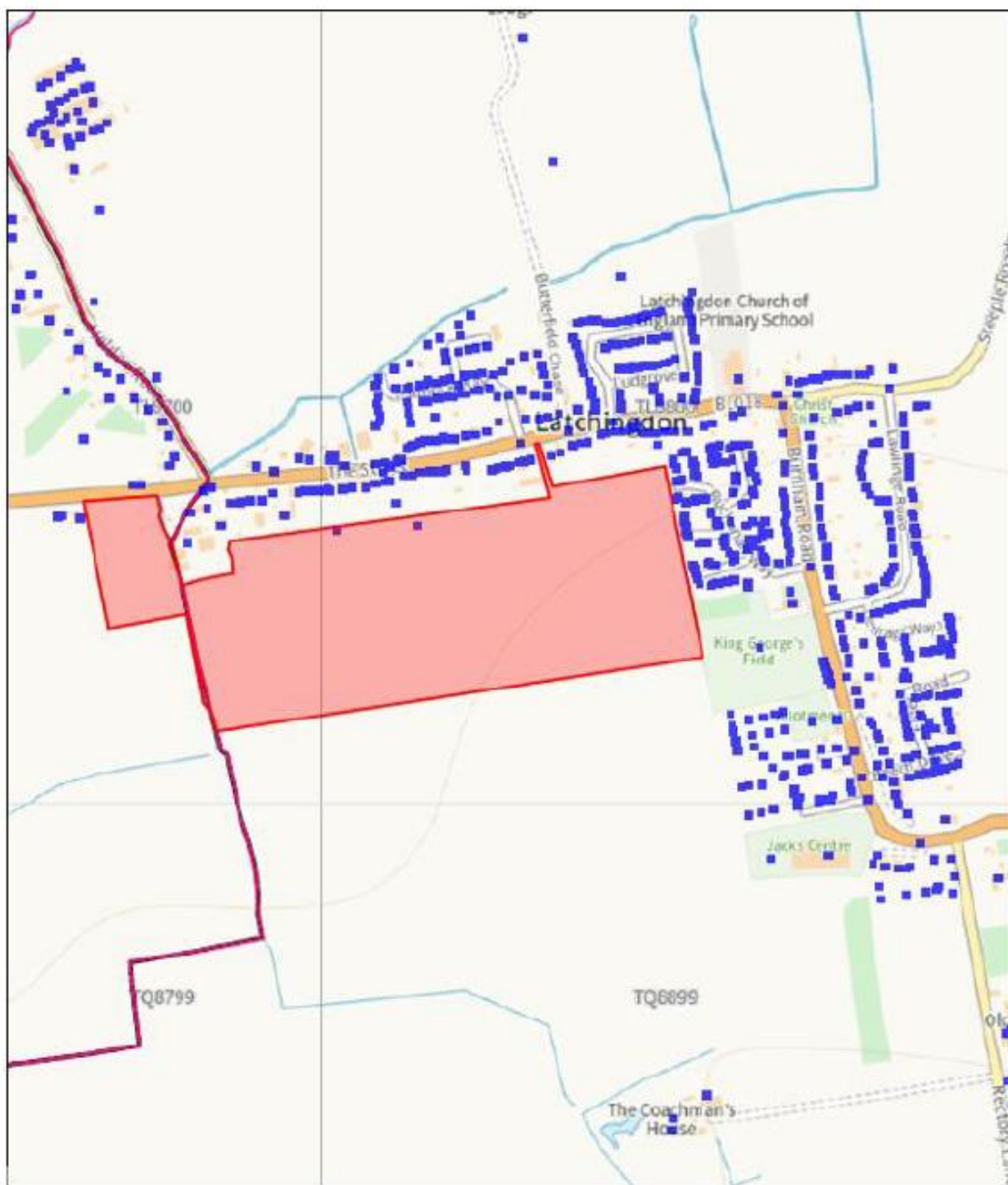
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant outline planning permission subject to:

- (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:

26/00138/OUTM - Land South Of Threeways And 45 The Street, Latchingdon, Essex

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.
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.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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.
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.
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
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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.
<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.
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 Habitats and Species Regulations 2017 (as amended), Policies N1 and N2 of the Maldon District Local Development Plan and Policy N6 of the NPPF.

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.

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

to
**DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2026**

**ADDENDUM
AGENDA ITEM NO. 6**

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. CONSULTATION RESPONSES

- 1.1 Since the publication of the committee report further representations have been received in relation to the proposed scheme. The principal matters raised by the representations concern the adequacy of the submitted Flood Risk Sequential Test (FRST); the proposed Grampian condition relating to foul water drainage; highway capacity and cumulative effects; and the enforceability of the proposed planning obligations. These matters are addressed in more detail below.
- 1.2 The representations on flood risk contend that the original FRST submitted as part of the application was not sufficiently transparent or robust. In particular, concerns are raised that the report applied a 5 to 20 hectare site size filter without adequate justification; defined the development needs with reference to specific elements of the scheme (including the village centre, employment floorspace, allotments and community woodland), and that the report did not adequately consider all potentially suitable lower risk sites within or adjoining Latchingdon.

- 1.3 Specific reference is made to the Steeple Road site (Housing and Economic Land Availability Assessment (HEELA) sites LD5 and LD12 and the subject of application ref 25/00894/OUTM). It is argued that this land should have been fully assessed as a potentially suitable lower risk alternative, rather than being excluded by reference to site area, ownership, promotion by another party or the scale of the current proposal. The representations refer to the previous appeal decision and submit that the proposal should not proceed unless the FRST has been carried out on a sound and complete basis.
- 1.4 Further representations also question whether the updated NPPF Policy S5(1)(j) can be satisfied in the absence of current foul water capacity – in other words whether it is appropriate to rely on a condition requiring a future drainage solution; and whether cumulative highway impacts and the delivery of planning obligations have been adequately considered.

2. ADDITIONAL APPLICANT INFORMATION

- 2.1 In response to the late representations received, the applicant has submitted a Sequential Test Addendum, together with a Legal Opinion from Paul Stinchcombe KC dated 17 September 2026 addressing the previous appeal decision, the FRST and the proposed foul water drainage condition. These documents are available on the Council's Public Access system.

3. FLOOD RISK SEQUENTIAL TEST

- 3.1 A FRST is required for the proposed scheme given that the application site is unallocated and the proposal does not fall within any of the exemptions in NPPF Policy F5. This is consistent with the Inspector's conclusion relating to the previous appeal. The previous appeal however did not conclude that the development could not be made safe from flood risk - the Inspector's concern related to whether the alternative site exercise undertaken at the time had sufficiently demonstrated that there were no reasonably available lower risk alternatives.
- 3.2 In the published committee report, Officers considered that the submitted February 2026 Sequential Test, read alongside the appeal decision, the Council's evidence on land availability and the information available for relevant alternative sites, provided a proportionate assessment of realistic lower risk alternatives. That conclusion reflected the scale and nature of the proposal, its anticipated catchment, the need for delivery within a comparable period, and the status and availability of sites identified through the Council's evidence base. Officers were satisfied that no reasonably available lower risk sites had been identified and therefore the proposed development passes the sequential test
- 3.3 The representations that have been received since publication of the report seek further explanation as to the methodology used in the February assessment, including the former 5 to 20 hectare screening range, the description of the development needs and the treatment of individual HEELA sites, particularly LD5 and LD12 at Steeple Road.
- 3.4 In response to the comments made by residents, the applicant has submitted a more detailed Sequential Test Addendum which provides a more detailed reconciliation with the Council's HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives.
- 3.5 The Addendum acknowledges that the FRST is required and confirms that the exemptions in NPPF Policy F5 do not apply. It no longer uses the former 5 to 20 hectare screening range, and instead considers the capacity of potentially relevant sites to accommodate the development need. It also defines that need as up to 140 dwellings, including 40% affordable housing, within

the anticipated catchment of the development and within a comparable delivery period. The village centre, employment, woodland and allotment elements of the scheme are no longer treated as essential components that an alternative site would itself need to reproduce.

- 3.6 The Addendum provides a more detailed update of the sites considered against the Council's HEELA evidence and considers the sites within and adjoining Latchingdon without applying a gross site area threshold. Specifically it confirms that sites LD4 (Land north of Burnham Road, east of Elder Road and LD6 (Land off Steeple Road) are now committed and under construction; sites LD7 (Land adjacent Springwood, Rectory Lane) and LD9 (Land at Coppingers, Maldon Road) are now committed; LD11 (Mayfair, Maldon Road) has been taken forward for employment development; and LD10 (Land rear of Red Lyon Lodge, Burnham Road) and ALT8 (Land adjacent Pedrossi, Burnham Road) are assessed as unsuitable. LD8 (Red Lyons House and Fairfield, Burnham Road) is the subject of an undetermined outline application for up to 47 dwellings. Officers do not consider that LD8 alone, or in combination with another identified reasonably available lower risk site, has been demonstrated to be capable of meeting the relevant development need within a comparable timescale.
- 3.7 The representations question certain aspects of the February 2026 methodology – in particular the use of a site size range and the presentation of the assessment of individual HEELA sites. The applicant's Addendum addresses those points in greater detail and provides an expanded consideration of the HEELA evidence and a clearer explanation of the reasons why the identified sites do not represent reasonably available, appropriate lower risk alternatives. The additional material assists in responding to the concerns raised and provides additional transparency.
- 3.8 The Addendum also expressly considers sites LD5 (Land north of Steeple Road) and LD12 (Land east of Maldon Road, north of The Street), which form the Steeple Road site subject of a current application ref 25/00894/OUTM. This is the closest and most relevant comparator to the application site. The land has not been excluded on grounds of ownership, promotion by another party, gross site area or the quantum currently sought through that separate application.
- 3.9 The flood risk information submitted in respect of the Steeple Road application identifies that, in order to address potential flood levels, parts of the indicative residential areas of the site would be affected by floodwater and would require land raising and finished floor level mitigation. By comparison, the submitted modelling for the application site indicates that the residential development parcels would not lie within the modelled flood extent; the relevant floodplain crossing is limited to the access road.
- 3.10 Officers have considered the submitted comparison alongside the Council's HEELA evidence and the flood risk information available for both schemes. On the evidence available, the Steeple Road land has not been demonstrated to be at a lower flood risk for residential development than the application site. It is therefore not a lower risk alternative for the purposes of Policy F5, irrespective of the difference between the current application quantum at Steeple Road and the 140 dwelling proposal.
- 3.11 Having considered the representations made, and the applicant's response in the form of the Sequential Test Addendum, officers remain satisfied that the FRST is met, and that no reasonably available site or combination of sites have been identified with a lower risk of flooding within the anticipated catchment and capable of meeting the relevant development need within a comparable timeframe.

4. FOUL WATER DRAINAGE

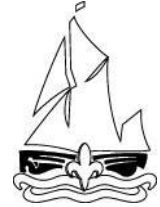
- 4.1 Representations raise concern that Anglian Water has identified insufficient foul water network and treatment capacity, that no upgrade is allocated within the current asset management period, and that it would be inappropriate to grant permission on the basis of a future or uncertain solution. It is also suggested that the proposed Grampian style condition would not be enforceable or would improperly defer a fundamental issue.

Anglian Water's consultation response identifies the current capacity constraint and recommends refusal on that basis – however it also provides condition wording for use should the Local Planning Authority be minded to approve.

- 4.2 Condition 15 would prevent commencement of development until a foul water strategy has been submitted to and approved by the Local Planning Authority. The strategy must demonstrate a deliverable route, identify the receiving water recycling centre and network, any required capacity improvements, the responsible undertaker and programme, or, if a public network route is unavailable, a lawful alternative treatment solution. The condition further prevents occupation until the necessary infrastructure has been completed and written confirmation of capacity and connection has been provided.
- 4.3 The previous Inspector considered this identical issue in detail and concluded that it could be addressed by a Grampian condition. The Inspector's conclusion remains a material consideration, and the amended NPPF requires a positive judgement on whether development is of a scale which can be accommodated, taking account of existing or proposed infrastructure availability; it does not require all infrastructure to be operational at the date of determination. As explained by the Inspector, Anglian Water has responsibility for planning and promoting necessary investment through its own planning processes. The condition requires that a solution is found prior to commencement and occupation, rather than a matter to be resolved after homes are occupied.
- 4.4 Accordingly, there is no change in the Council's position relative to the previous appeal. Existing foul water capacity has not been assumed - the recommendation relies on the condition only because it prevents development proceeding unless an appropriate foul water solution has first been demonstrated and then provided. On that basis, Officers remain satisfied that the infrastructure criterion in Policy S5(1)(j) is met.

5. HIGHWAYS

- 5.1 The late representations refer to the capacity of the local and wider Dengie highway network, the robustness of the submitted traffic assessment and potential cumulative effects of development proposals in the area.
- 5.2 Essex County Council, as Highway Authority, has considered the current proposal and maintains no objection. Its consultation response dated 22 April 2026 acknowledges reservations regarding elements of the trip generation and distribution assumptions, but confirms that the Highway Authority is satisfied that the development would not result in a severe effect on local highway safety or efficiency, which is the relevant NPPF test for refusal on highway grounds.
- 5.3 The Highway Authority's position is subject to conditions and obligations, including provision of the new site access, pedestrian and cycle connections, Public Rights of Way improvements, extension of the 30mph limit, a travel plan and monitoring, and a £425,000 contribution towards improving public transport links between the site and local destinations. No subsequent response from the Highway Authority has been received which alters that position.



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

to
**DISTRICT PLANNING COMMITTEE
15 OCTOBER 2026**

Application Number	26/00267/OUTM
Location	Land Adjacent Pump House Catchpole Lane Great Totham Essex
Proposal	Outline planning application with all matters reserved except access for up to 150 dwellings (Class C3) including affordable homes, public open space, sustainable drainage systems, landscaping and associated development.
Applicant	Mr Jonny Hill, Burlington UK
Agent	Mrs Kate Sutton - Andrew Martin - Planning
Target Decision Date	EOT sought for 22/10/2026
Case Officer	Gareth Ball
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary. • Greater than 75 dwellings proposed.

1. **RECOMMENDATION**

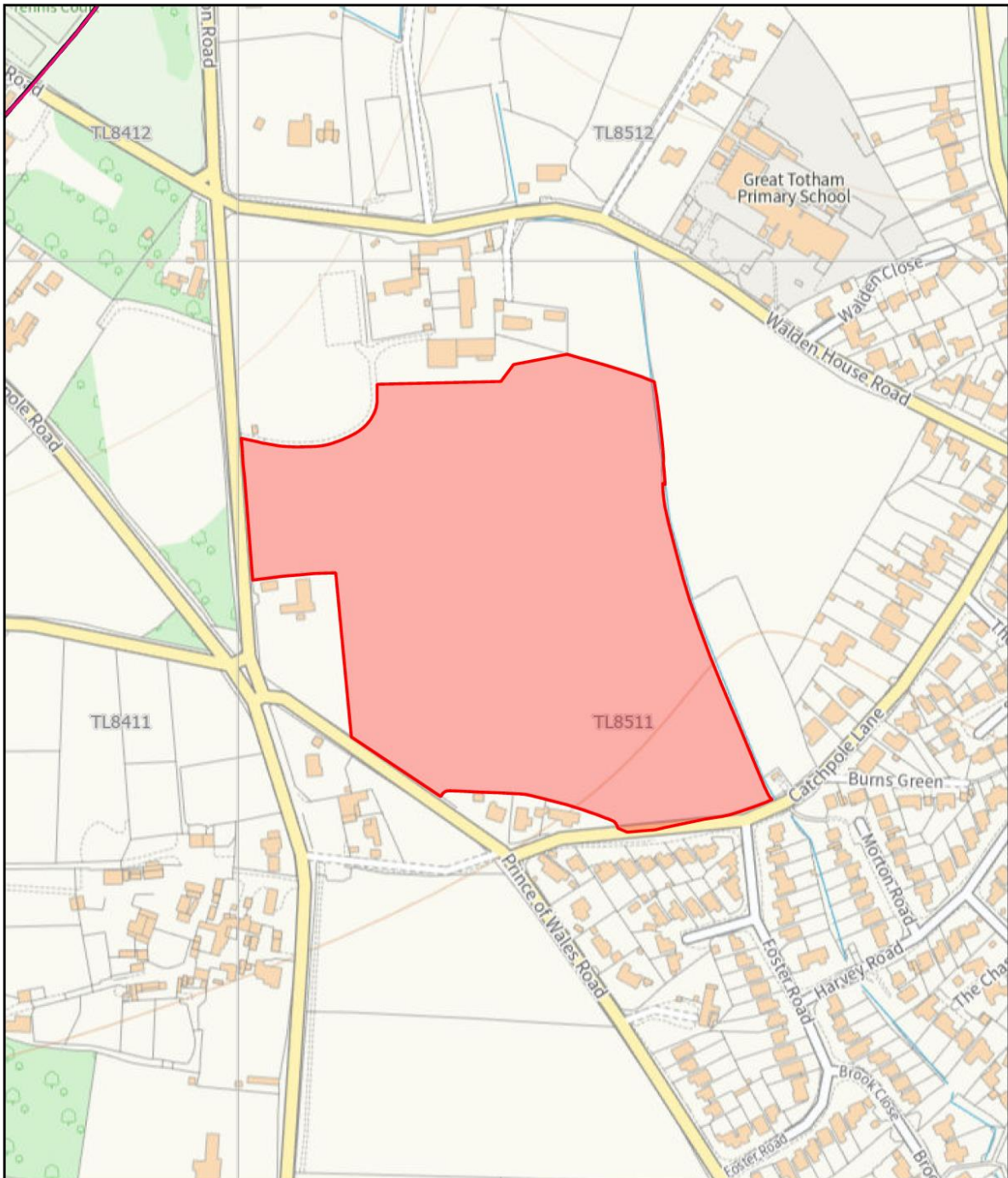
APPROVE and delegate authority to the Director of Place, Planning and Growth to grant outline planning permission subject to:

- (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.

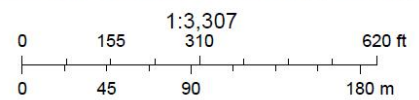
2. **SITE MAP**

See below:



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



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is a c. 6.35ha area of land located to the west of Great Totham (south). The Site is currently an open field space that has a lawful agricultural use. The Site is located outside of the settlement boundary of Great Totham but runs adjacent the settlement boundary to the south of Catchpole Lane. It is located within the Great Totham Neighbourhood Plan (GTNP) Area.
- 3.1.2 The Site is bounded by Kelvedon Road to the west, which provides nearby access to Wickham Bishops via Maypole Road and Great Totham Road. The area to the north is occupied by a mix of commercial and residential use buildings, including Walden House Farm, and the adjacent site which has approval for 49 houses (ref 22/01257/OUTM), which also runs adjacent to the Site’s eastern boundary. The southern boundaries of the Site adjoin Catchpole Lane; residential properties Nos. 44, 46 Catchpole Lane and 64 Prince of Wales Road; and the residential property Crossways on Kelvedon Road.
- 3.1.3 The majority of the Site is located within Flood Zone 1, although parts of the eastern edge are adjacent to Catchpole Brook and within Flood Zones 2 and 3. There are no onsite or nearby trees that are subject to a Tree Preservation Order (TPO), nor is there any Ancient Woodland. There are no relevant nearby designated or non-designated heritage assets.
- 3.1.4 The boundaries of the Site are primarily formed by vegetation including hedgerows and trees. There are two Public Rights of Way (PROWs) to the south but none onsite.
- 3.1.5 The village of Great Totham (south) contains facilities including a shop/post office, public house, village hall, car repair garage and cricket field as well as a primary school. There are bus services from the village to Maldon, Witham and Colchester via Tiptree. The Site has a score of between 43 and 46 on the Government’s Connectivity Tool.
- 3.1.6 The Site is within the Blackwater Estuary RAMSAR, Special Protection Area (SPA), Site of Specific Scientific Interest (SSSI) and Special Area of Conservation (SAC) Zone of Influence (Zol) but the site lies outside of these ecological designations.

The proposed development

- 3.1.7 The submitted planning application seeks outline planning permission for:

“Outline planning application with all matters reserved except for means of access, for up to 140 no. dwellings (Use Class C3) including 40% affordable housing; new site access and internal access roads; a new village centre (Use Class E()); 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.”

3.1.8 The Development Framework Plan is shown below:



3.1.9 The application is made in outline with means of access included for determination. Appearance, Landscaping, Layout and Scale are reserved matters.

3.1.10 A single vehicular access is proposed, from Kelvedon Road. Improvements to pedestrian access on Kelvedon Road would create a pedestrian connection to Wickham Bishops via Great Totham Road. A pedestrian/cycle/wheeled access is also proposed in the southeast of the Site, onto Catchpole Way via a proposed pedestrian crossing.

3.1.11 The applicant is exploring a pedestrian connection into the permitted development for 49 houses in the northeast, however, advises that this will be subject to third party

negotiations and would be explored in more detail at reserved matters stage in terms of connection points to the 'layout' of the development.

- 3.1.12 The submitted buildings heights parameter plan proposes all housing at a maximum 9m and two-storey height. The proposed housing would be 40 per cent affordable. The detailed design, including the appearance, scale, layout and landscaping, would be assessed at reserved matters stage as part of the detailed onsite street layout.
- 3.1.13 The proposal includes c. 1.54ha of green space which would include a community orchard, play provision for children, circular walking routes and attenuation basins as part of the drainage strategy.
- 3.1.14 Several sets of amended plans were received during the course of the live planning application. The main amendments were to create an access path along the western boundary with Kelvedon Road and increasing the area for landscaping in the northwestern part of the Site, adjacent to Kelvedon Road and a potential access into the permitted site to the east.

3.2 Planning Balance and Conclusion

- 3.2.1 The application seeks outline planning permission for up to 150 homes. The Site is located in the open countryside, beyond the settlement boundary of Great Totham. The proposal is therefore contrary to the spatial strategy of the Local Plan. However, the Council cannot currently demonstrate a Five-Year Housing Land Supply (5YHLS) and as such, the policies most important to the determination of the housing must be considered to be out of date and National Planning Policy Framework (NPPF) Policy S5 directs the decision maker to grant permission unless the adverse outcomes of doing so would substantially outweigh the benefits.
- 3.2.2 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 (Local Housing Needs Assessment (LHNA)) prepared for the area of the Local Planning Authority and other relevant evidence.
- 3.2.3 The mix of affordable housing would be secured to be in accordance with the unit sizes of the LHNA for and policy requirements in relation to affordable housing. This would be a substantial social benefit weighing in favour of the scheme.
- 3.2.4 The proposed vehicle access is supported by the Highways Authority, in addition to their support for the pedestrian footpath improvements inside and outside the Site on Kelvedon Road, which would allow future occupiers to use a c. 9min walk to Wickham Bishops. The detailed onsite street layout and parking would be addressed at reserved matters stage. The applicant will explore a pedestrian/cycle connection in the northwest of the Site, to link the adjacent permission for 49 dwellings and provide a shorter route to the nearby school.
- 3.2.5 The application is supported by a Landscape and Visual Appraisal. Impacts have been identified, mainly when approaching the Site from the northwest, and northward views from Catchpole Lane, where the Site levels rise towards the north which makes the development more visible from this location. An independent assessment has been done on behalf of the Council, which concluded that the impacts would not be a reason for refusal, subject to acceptable screening within the identified locations. This includes amendments to landscaping in the north of the Site, to increase the buffer zone to northern views. Significant screening through planting of hedges and trees would soften views from outside the Site boundary.

- 3.2.6 The built development and Site access would be located in Flood Zone 1 areas with no built development within the higher risk flood zone areas along the eastern site boundary to Catchpole Brook. A flooding sequential test is not required in this instance as the proposal meets with the requirements of NPPF policy F5 2 b i. subject to conditions securing a detailed drainage scheme and maintenance, the proposal would have an acceptable impact on flood risk and drainage.
- 3.2.7 The proposal would provide sufficient onsite measures to mitigate any impact on the Blackwater Estuary and any other ecological protected sites, including 1.54ha of onsite green space, circular walking routes and dog off lead areas. This is supported by Natural England (NE) and Place Services Ecology. The development results in a reduction in habitat units and is thereby required to achieve this through offsite means. It would however achieve significant increases in hedgerow and watercourse units, while also providing other habitat enhancements to species through the detailed design.
- 3.2.8 If Members are minded to grant outline permission, reserved matters stage would consider the detailed design of the development, including design quality, parking, standard of accommodation and private external amenity space.
- 3.2.9 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:

Benefit

- **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 NPPF policy S3 where the presumption in favour of sustainable development applies. Officers give this benefit substantial weight.
- **Housing Land Supply Position** – The Council cannot demonstrate a 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). Officers give this benefit 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. Officers give this benefit 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 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.

- **Accessibility Improvements** – The development would improve pedestrian, cycle and wheeled access on Kelvedon Road, providing a route to Wickham Bishops. This would significantly improve key walking routes in the village and provide active travel routes to services in Wickham Bishops. Officers give this benefit moderate 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 £400,000 to towards improving public transport links between the site and other destinations in the area including between the site and other local destinations. This is to offset the impacts of the application but will also be available to other residents and officers give this benefit limited weight.

Harm

- **Loss of Agricultural Land** – The development would result in the loss of 6.35ha of grade 3a/3b agricultural land, which is potentially Best and Most Versatile (BMV) land, would be lost as a result of the development. Officers give this harm limited adverse weight, noting recent appeal decisions.
- **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 harm is given moderate adverse weight.
- **Coalescence of Villages** – The development would result in the coalescence of neighbouring villages through the reduction of open space, which would harm the character of the area. This would be partially mitigated through screening and limited views. Officers give this harm 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. Officers give this harm limited weight.

3.2.10 Officers have conducted an assessment of the benefits against the harms, finding that the harms would not substantially outweigh the benefits of the development. Officers therefore recommend that committee resolves to grant permission, subject to the list of conditions (to follow) and a Section 106 (S106) agreement securing the Heads of Terms set out in this briefing report.

4. RELEVANT POLICIES

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

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

4.3 National Planning Policy Framework including paragraphs:

- Paragraph 17 Achieving sustainable development

Chapter 3 Decision-making policies

- DM1 Preparing development proposals
- DM2 Information requirements
- DM3 Determining development proposals
- 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

Chapter 11 Facilitating the sustainable use of minerals

- M2 Safeguarding mineral resources and infrastructure through plan-making
- M6 Safeguarding mineral resources and infrastructure through decision-making

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

Chapter 16 Promoting healthy communities

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

Chapter 17 Pollution, public protection and security

- P2 Ground conditions
- P3 Living conditions and pollution

- P4 Impact of development on existing activities
- P5 Maintaining public safety and security

Chapter 18 Managing flood risk and coastal change

- F4 Assessing flood risk for decision-making
- F5 The sequential test
- F7 Ensuring development is safe from flooding
- F8 Sustainable drainage systems and watercourses

Chapter 19 Conservation and enhancing the natural environment

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

Chapter 20 Conserving and enhancing the historic environment

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

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

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

4.5 Essex Minerals Local Plan (2014):

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

4.6 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

4.7 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)
- Maldon District Affordable Housing and Viability SPD (2019)

5. MAIN CONSIDERATIONS

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 3 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Local Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

5.2 Principle of Development

Proposed Land Use

- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 With regard to Local Plan, policy S8 of LDP, Great Totham (South) is defined as a 'larger village' in the settlement hierarchy table. 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.
- 5.2.4 The Site lies outside of any defined settlement boundary and is not within an allocated housing site within the Local Plan. The Site falls within the open countryside. Policy S8 supports development in the open countryside where it complies with one of the sub-criteria (a) to (m) within the policy and where the "*intrinsic character and beauty of the countryside is not adversely impacted upon*". The development is not provided for any of the sub-criteria and (as discussed later in this Committee report) does adversely impact on the intrinsic character and beauty of the countryside. The development is therefore contrary to the spatial strategy and settlement hierarchy of the LDP, in particular failing to accord with Policies S2 and S8 of the Local Plan.

- 5.2.5 GTNP Policy GTO1 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.
- 5.2.6 In assessing the application against the above criteria, there is no site within the settlement boundary that could deliver up to 150 dwellings due to size and building height constraints. The Site does partly share a boundary in the south and would be well-related to the settlement by way of being located adjacent and having pedestrian links into the village. The development does not breach an existing boundary, such as a watercourse (there is existing development to the west of Catchpole Brook) or main road. The proposal would not be considered contrary to policy GTO1 of the GTNP.
- 5.2.7 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. NPPF Policy S6 directs how neighbourhood plans should be applied in relation to the presumption in favour of sustainable development. These matters are considered in the relevant section later in this Committee report.

Five-year Housing Land Supply (5YHLS)

- 5.2.8 The Council must provide updated housing calculations in accordance with NPPF Policy HO1 and Annex D. It was established in a report to the Council on 12 February 2026 that the Maldon District Council (MDC) 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 the 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.

Sustainable Location and Infrastructure

- 5.2.9 NPPF Policy TR3 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.
- 5.2.10 NPPF Policy TR3(2) states that the Government's Connectivity Tool should be used in assessing connectivity for proposed developments. 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. The access points of the Site scores 43 and 47. While this is low nationally, the tool provides Local Authority data showing that this score in Band A, meaning that it is in the top 10 per cent for Maldon District. Officers note that this score is higher than the recently approved development for up to 150 dwellings to the east of the village (ref 25/00607/OUTM).

- 5.2.11 Great Totham (South) includes a range of facilities and services. This includes a primary school, a village hall, recreational grounds, a community hall, public houses, post office and store, and a nearby golf course. Identified deficiencies in local infrastructure would be mitigated through financial contributions identified in this report, with regard to highway improvements for public transport, education, healthcare, and affordable housing provision. The location is considered to have sufficient infrastructure to accommodate the development.
- 5.2.12 The Site has good pedestrian and cycle access to Great Totham (south), which could be further improved if the potential link to the permitted development to the west is achieved. This does however require the agreement of third-party land and cannot be relied upon to come forward, thereby reducing the weight that officers give to this benefit. The application proposes to extend the footpath on the eastern side of Kelvedon Road (within the Site) and offsite works to widen the existing footpath offsite. This would provide occupiers of the scheme with a safe pedestrian route to Wickham Bishops and also link two of the key pedestrian walkways identified in Figure 7.3 of the GTNP – connecting Prince of Wales Road to Great Totham Road via Kelvedon Road. This would significantly improve pedestrian access from the southern areas of the village to Wickham Bishops. The proposal would improve pedestrian and cycle access in accordance with NPPF Policy TR3 and GTNP Policy GT08.
- 5.2.13 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. There are also nearby bus stops providing services under routes 504, 506 and 90. The latter provides access to Witham railway station; however, the railway station is not considered to be within reasonable walking distance in terms of NPPF Policy S5. It is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.2.14 The Highways Authority have requested improvements to bus stops by condition and a £400,000 contribution towards a Sunday bus service linking Maldon and Witham. This will improve and encourage public transport options. In addition, the submitted Travel Plan includes measures to be implemented by a coordinator including promotion of sustainable measures, travel information, cycling/car-sharing measures and ongoing monitoring. This would help promote travel which does not rely on private motor vehicle trips.
- 5.2.15 Taking into account the local facilities and public transport options and also noting other decisions and recent appeal decisions within the district, Officers conclude that the Site would be in a sustainable location; however, there would be an element of reliance on private motor vehicle trips which the applicant cannot fully address.

Call For Sites

- 5.2.16 The Site was considered in the Council's 'Call For Sites' (CFS) process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment (HELAA). The Site's CFS reference is GTHS15. The review concluded that the Site would be sustainable for up to 120 dwellings, stating:

“On balance it is considered that development of the site would be suitable. It is well located in terms of its distance from services and facilities and can be access safely on foot. The primary school is within 530m of the site with a commuter bus stop close by which can also be accessed on foot from the site. The site has the Catchpool Brook running along the eastern boundary and this waterbody will require protecting, it is the source of surface water flood risk but this can be mitigated against with a SUDs scheme.”

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

Presumption in Favour of Sustainable Development

- 5.2.18 Maldon Local Plan Policy S1 states that *“where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise. Account will be taken if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate that development should be restricted”*.
- 5.2.19 NPPF Policy S3 applies the presumption in favour of sustainable through an approach which separates development within settlements and development outside settlements. The Site is located outside of the Great Totham (south) or any other settlement boundary. NPPF Policy S5 therefore applies.
- 5.2.20 The development would address an unmet need (the provision of housing where a 5YHLS cannot be demonstrated), would be physically well-related to an existing settlement due to its adjacency to the settlement boundary of Great Totham (south) and can be accommodated by existing or proposed infrastructure, as detailed elsewhere in this report. Officers therefore conclude that the proposal would fall under the form of development in NPP Policy S5(1)(j). The other requirements of Policy S5 will be assessed within the planning balance section of this Committee report.
- 5.2.21 NPPF Policy S6 advises how Neighbourhood Plans can affect the presumption in favour of sustainable development, stating:
- “1. 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).”*

- 5.2.22 Part 1(a) applies – the Great Totham Neighbourhood Plan became part of the development plan on 6 July 2022, which is within five years of the decision date. The neighbourhood plan would not however contain allocations to meet the identified housing requirement, thereby failing Policy S6(1)(b) (and NPPF Policy HO2(5) by referral). The benefits of this proposal would substantially outweigh any conflict with the neighbourhood plan in terms of the principle of the development and the neighbourhood plan does not disengage the presumption in favour of sustainable development.

Loss of Agricultural Land

- 5.2.23 Local Plan Policy D2(11) states that *“development must take into account the economic and other benefits of preserving the best and most versatile land. Where possible poor quality land should be prioritised over higher quality land”*.

- 5.2.24 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”.
- 5.2.25 NE’s Provisional Agricultural Land Classification (ALC) places the Site within an area of grade 3 agricultural land. The vast majority of Maldon District falls within this grade on the map. Grade 3 is split into two sub-categories; 3a (good) and 3b (moderate). 3a falls within the BMV category.
- 5.2.26 The proposal would result in the likely permanent loss of 6.35ha of agricultural land, which may be grade 3a BMV land. This amount of BMV land falls significantly below the consultation trigger to NE, which is 20ha of BMV land. The loss of BMV agricultural land is unfortunate, and this will be considered in the planning balance; however, the weight attributed to the loss will be reduced given the quantum and the large amount of grade 3 and above land within the district.
- 5.2.27 Officers have noted the Inspector’s stance in the recent appeal decision 24/01004/OUTM where the loss of 14.2ha of grade 3 agricultural land was given limited weight, and the recent appeal decision for application ref 25/00578/OUTM, 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”*.
- 5.2.28 Given this assessment and to be consistent with recent appeal decisions in the District, the loss of agricultural land was given limited weight. The impacts of this are contrary to Local Plan Policy D2(11) and NPPF policy N2 (b), which will be considered in the planning balance.

Relevant Offsite Planning Application and Appeal History

- 5.2.29 Relevant planning applications and appeal decisions are material considerations and must be given appropriate weight in decision making. In considering this application, Officers have had regard to the following:
- **22/01257/OUTM** - the land adjacent to the northeast of the current Site was allowed at appeal on 23/07/2025 for outline permission of up to 49 dwellings
 - **24/00005/OUTM** - the Site is c. 440m to the north of the current application Site, with access proposed off Kelvedon Road. Permission for 25 dwellings was allowed at appeal. 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”*.
 - **26/00046/OUT** - an application seeking permission for two dwellings in the rear garden of Crossways, the dwelling to the west of the Site adjacent to the proposed Kelvedon Road vehicular access, was refused on 14 July 2026 due to the impact on the character and beauty of the countryside, lack of pedestrian access to

services and insufficient information with regard to trees. The decision has subsequently been appealed. It is early in the appeal process.

- **25/00607/OUTM** - an agricultural site outside the settlement boundary on the eastern side of Great Totham (south) was resolved to grant permission for up to 150 dwellings at the 22 September 2026 District Planning Committee and this currently subject to ongoing work on the production of the s106 legal agreement.

Summary of the Principle of Development

5.2.30 The proposed development is outside of the defined settlement boundary and is therefore contrary to Local Plan Policy S8. It would also result in the loss of agricultural land.

5.2.31 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 is considered in the Conclusion and Planning Balance section of this committee report.

5.3 Affordable Housing

5.3.1 The Site is located within the 'Northern Rural' area defined in Figure 7 of Policy H1, which requires 40 per cent of all proposed dwellings to be affordable. NPPF Policy HO8(1) requires that development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location.

5.3.2 The submitted Planning Statement proposes 40 per cent affordable housing, which is up to 60 dwellings. Officers recommend securing this via planning obligation to ensure compliance with Policy H1 and the recent Local Housing Needs Assessment (LHNA) as follows:

- Provision of at least 40 per cent affordable housing
- Tenure split of at least 80 per cent affordable rent, 20 per cent intermediate within this provision
- Provision of at least 75 per cent social rent within the affordable rent portion.

5.3.3 Subject to the above planning obligations, the proposed affordable housing would be policy compliant provision, in compliance with Local Plan Policy H1. Details of affordable housing location within the scheme, such as the pepper-potting or unit-size mix, would be assessed at reserved matters stage.

5.3.4 Given the shortfall in affordable housing provision within the District, this must be given greater weight within considerations.

5.4 Unit Size Mix

5.4.1 The matters of layout and scale are reserved. The current application does not propose a defined unit size mix distribution, which would be considered at reserved matters stage.

5.4.2 Officers recommend imposing a condition which requires compliance with the most up-to-date Local Housing Needs Assessment, to secure a size mix which creates a mixed and balanced community and is appropriate to the needs of the District. Subject to this

condition, the proposal complies with the relevant parts of Local Plan Policy H2 and NPPF Policy HO8.

- 5.4.3 NPPF policy HO8(3) directs that where proposal meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, a flexible approach should be taken to the market share unit size mix. This will also be considered at reserved matters stage.

5.5 Quality of Proposed Accommodation

- 5.5.1 The internal size of dwellings, provision of private external amenity space and factors which influence acceptable natural light or outlook are not a material consideration in this outline application, as the matters of layout and scale are reserved. This will therefore be assessed at reserved matters stage.
- 5.5.2 An existing pumping station creates potential issues resulting from noise, odour and maintenance. Anglian Water have requested a 15m separation buffer zone to nearest housing. Officers recommend a condition to secure this and therefore that separation distance would ensure the amenities of occupiers of the future houses would not be adversely affected by the operations of the existing pumping station.
- 5.5.3 Subject to conditions recommended in this report, there are no site-specific concerns that lead officers to question whether an acceptable standard of residential accommodation could be provided onsite, in accordance with Local Plan Policy D1 and NPPF Policy P3.

5.6 Landscape and Visual Impact

Policy Position

- 5.6.1 Local Plan Policy S1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply 14 key principles in policy and decision making that include: 12. Maintaining the rural character of the District without compromising the identity of its individual settlements.
- 5.6.2 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.
- 5.6.3 GTNP Policy GTO3 identifies important views and the setting of Totham Cricket Field, which is significantly distanced to the eastern side of Great Totham (south). The views are identified in Figure 6.2 of the neighbourhood plan. The Site does not fall within any view corridors.
- 5.6.4 The site does not fall within any formal landscape designation.
- 5.6.5 At a local level, the Essex Landscape Character Assessment (2003) locates the site within the 'Landscape Character Type (LCT) D: Wooded Hill and Ridge Landscapes' and 'Landscape Character Area (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' 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.

Landscape and Visual Impact Assessment

- 5.6.6 The application is supported by a Landscape and Visual Appraisal (LVA), which has been independently reviewed by Landscape Consultant to assist the Council's considerations. As this is an outline application with only access for consideration, with the Framework Development Plan providing the basis for the outline development. The LVA and the IR have therefore been undertaken on the basis that any future development would broadly follow the form submitted.

Landscape Impact

- 5.6.7 In terms of the Site itself and its immediate surroundings, the LVIA identifies a major adverse impact at year 1, falling to a moderate adverse impact at year 15 in terms of its landscape impact. This results from a high magnitude of impact, given the significant change of introducing built form on an existing open field; however, the effect is tempered by the medium sensitivity of the Site itself. This assessment is accepted, given the urbanisation of the surrounding area which largely severs the Site from the wider arable landscape setting.
- 5.6.8 The Wooded Farmland Landscape LCA, which the Site sits fairly centrally within and is the key Local Character Area, is noted in the LVIA as having a high sensitivity to the proposed development, which is agreed. The LVIA identifies a very low magnitude of impact, which thereby results in a negligible adverse effect on the LCA. Officers note that the low-lying position of the Site within undulating hills and that the location is largely contained within urbanised areas. This significantly limits the impact to a local scale, with limited impact on key characteristics such as view of wooded horizons or large areas of agricultural fields. The negligible impact is therefore agreed.
- 5.6.9 The development is identified as having a negligible adverse impact on the much wider landscape area considered through the LCT 'Wooded Hill and Ridge Landscapes'. The LVIA states that this is due to *"the Proposed Development would be located in a relatively low lying position of the LCT which is characterised by elevated undulating hills, such that*

its perception would be very localised to the immediate boundaries of the Site and Great Totham (south)". Officers agree with this assessment.

Visual Impact

- 5.6.10 In relation to visual impacts, the LVIA provides an assessment from 16 viewpoints in close and distanced proximity to the Site. The most significant impacts as identified in the Council's review are presented below:

Visual Receptor	Year 1 Visual Effect	Year 15 Visual Effect
Road users on Kelvedon Road (viewpoint 4)	Major adverse	Moderate adverse
Road users on Kelvedon Road (viewpoint 5A)	Major adverse	Moderate adverse
Road users on Walden House Road (viewpoint 7)	Moderate adverse	Minor adverse
Educational users of Great Totham Primary School (viewpoint 7)	Moderate adverse	Minor adverse
Road users on Walden House Road (viewpoint 8)	Moderate adverse	Minor adverse
Road users on Catchpole Lane (viewpoint 11)	Moderate adverse	Moderate adverse
Recreational users on PRow (footpath) 8 (viewpoint 12)	Moderate adverse	Minor adverse

- 5.6.11 The most significant visual effects are constrained to users of Kelvedon Road directly to the west of the Site, where there is little screening from the proposed green buffer in the northwest of the site or Crossways. Visual receptors would be passing directly by the Site in close proximity. These impacts are very localised (as evidenced by the Zone of Theoretical Visibility analysis) due to tree screening and an open space buffer on the western side of Kelvedon Road, followed by existing properties. The impacts would reduce with planting, including the orchard and open space area; however, houses in the northwestern area would still be visible.
- 5.6.12 The impact on road users of Catchpole Lane is not agreed. While the development would have a significant setback from the road, a large amount of this area would be a drainage basin which cannot provide any elevated screening. The Site's topography scales upwards from this location, leading to more exposed views of the development. Officers disagree with the submitted LVIA and consider the 15 Year effect to maintain a moderate adverse impact.
- 5.6.13 The independent review of the LVIA initially disagreed with the effects on viewpoints 1 and 2, on Kelvedon Road, stating that the green buffer was too narrow to sufficiently screen views. Updated plans were submitted, increasing the buffer and thereby addressing those concerns.
- 5.6.14 The assessment of effect impact on PRow Footpath 8, which lies to the south of the Site, connecting Catchpole Lane to Maypole Road. The PRow is relatively short, at c. 100m, and has some intervening buildings from many visual angles; however, due to the high sensitivity of recreational users of the PRow, the level of harm is concluded as moderate adverse to minor adverse, which officers agree. This is again a very localised impact within an area which is already urbanised in its immediate setting.

- 5.6.15 Other assessed views would experience significantly lower levels of visual effect; however, these impacts are still considered within the cumulative visual impact.

Conclusion

- 5.6.16 The proposal would have a major adverse impact on the Site at year one, falling to moderate adverse at year 15 but the impacts are geographically constrained to the immediate surroundings of the site.
- 5.6.17 The proposal would result in relatively low levels of visual impact from the vast majority of views, noting the built-up surroundings of the open field and the level at which views are constrained from wider impacts.
- 5.6.18 The levels of harm identified are localised and would largely be mitigated through planting growth and all reduce to moderate adverse or less at year 15 of the development. Nevertheless, the proposal results in landscape and visual harm, contrary to Local Plan Policies D1 and H4, and NPPF Policy N2. This harm will be weighed in the Planning Balance and Conclusion section of this Committee report.

5.7 Design

- 5.7.1 Layout, scale and appearance are reserved matters and is therefore not for determination under this outline application. If outline permission is granted, the decision would be subject to the details within reserved matters. The outline application does set out constraints which the reserved matters must comply with, through the submitted parameter plans, including a maximum two-storey 9m building height and an area for development, largely surrounded by landscaped areas.

Layout and Scale

- 5.7.2 The development proposes a maximum density of 23.6 dwellings per hectare (dph) across the entire Site. The submitted Land Use Parameter Plan designates a 4.33ha area for residential uses (including highways and infrastructure) which would have a 34.6dph density.
- 5.7.3 The development would be centred around a tree-lined spine road connecting dwellings to the vehicle access point on Kelvedon Road. Secondary streets would branch off this, where the submitted Design and Access Statement (DAS) shows lower-density development on the Site edges, in the form of 'edge drives' which would place low-speed access roads and green space on the outside of the development. This allows screening from external views and pushes the built form more centrally, while providing active frontage onto the newly created streets.
- 5.7.4 The Site is located within an area of green open space between the villages of Wickham Bishops and Great Totham (south), although officers note that green space would be retained between the two villages. The submitted DAS suggests that the proposal is an infill in the settlement shape and abuts the settlement boundary to the northwest, fitting within the cluster of development and resulting in harmonious growth of the development. While edge-of-settlement growth can be expected as a natural form of expansion (as shown on Figure 19 of the submitted DAS), the development would still result in coalescence of the two villages, harming the historical character and layout of the setting. The proposal would lead to the proposed development reducing the space between Wickham Bishops and Great Totham with Kelvedon Road acting as a physical barrier along with the fields to the west of Kelvedon Road and Maypole Road in the location. This is contrary to Local Plan Policies H4, D1 and S8, which will be considered in the planning balance.

Scale and Appearance

- 5.7.5 The Building Heights parameter would secure heights to a maximum of two storeys or 9m through a planning condition requiring the detailed design at reserved matters stage to be in compliance with this restriction. This corresponds well with the features existing residential development in the surrounding area.
- 5.7.6 In addition to the Local Plan and NPPF, Policy GTO2 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.
- 5.7.7 The submitted DAS notes the 'Arcadian' nature of the local character and seeks to emulate this through setbacks from roads with low boundary treatments, lower densities near Site edges and
- 5.7.8 The shape, appearance and materiality of buildings and structures will need to be submitted at reserved matters stage. The DAS references the mixed vernacular of surrounding buildings, utilising a variety of brick and render materials, suitable with the context and in line with the village preferences.

Open Space, Landscaping and Children's Play Space

- 5.7.9 Landscaping is a reserved matter and therefore cannot be considered in detail within the current outline application. The development proposes a total of 1.54ha of open space, which complies with the requirements of the Green Infrastructure Standards.
- 5.7.10 The submitted Development Framework Plan and parameter plans would be secured as approved plans to dictate the detailed layout of landscaping. These plans, in addition to reference to the illustrative landscaping layout, satisfactorily demonstrate that the development is capable of delivering an appropriate amount of high-quality open space within the Site. The layout will be finalised at reserved matters stage.
- 5.7.11 The main access off Kelvedon Road would be well-landscaped from external views, including the orchard and the increased northwest landscaped 'shelter belt' area. The main spine road would be tree-lined, creating a soft sense of space and appealing main entrance to the Site. The southern and eastern areas of the Site would be heavily landscaped. All edges of the residential development area would have a native hedgerow, providing additional screening and greening, with new tree planting. The southern boundary also has a band of native woodland on the Site edge. The northern boundary proposes mixed scrub with intermittent trees.
- 5.7.12 The submitted Development Framework Plan proposes indicative locations of four play areas including a Local Equipped Area of Play (LEAP). The play areas would be well-located within green space, providing nearby access to proposed dwelling and in areas that are overlooked by onsite streets, providing active security. A total of c.900sqm are proposed on the landscaping parameter plan, which is an acceptable amount for the development and allows for a larger LEAP.
- 5.7.13 Subject to the recommended conditions and the reserved matters detail to be submitted, officers are satisfied that the development can provide sufficient and acceptable design of development and landscaping of a high quality, in accordance with Local Plan Policies D1

and N3, and NPPF Policy DP3; however, there is harm due to the coalescence of the two villages, which will be assessed in the planning balance.

5.8 Impact on Heritage Assets and Archaeology

- 5.8.1 In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As this proposal would not entirely preserve the listed building's setting, there would be some conflict with this duty.
- 5.8.2 The updated NPPF provides the basis for assessing heritage impact on a planning application within Chapter 20 (Conserving and enhancing the historic environment). The policies in this chapter have been taken into account within the assessment in this committee report.
- 5.8.3 While the application is made in outline, the parameter plans provide constraints which the scale and location of development would be located within. An assessment on heritage impact can be made on this basis.
- 5.8.4 There are no heritage assets which are either near the Site or in a location that would have their setting impacted by the proposed development. Therefore, as advised by the Council's Conservation and Heritage officer, no harm to any heritage assets is identified. The proposal would comply with Local Plan Policy D3 and NPPF Policies HE5, HE6 and HE7.

Archaeology

- 5.8.5 Places Services Archaeology have reviewed the application and support the development, subject to a condition requiring further phased investigation via a geophysical survey, trial trenching and any necessary preservation or excavation. This is to address the potential of late bronze age, iron age, medieval and Roman activity onsite. The condition would also secure a post-excavation assessment, with potential archiving and publication.
- 5.8.6 Subject to the condition, officers are satisfied that the proposal would not result in any harm to archaeological assets, in accordance with Local Plan Policy D3 and NPPF Policies HE5 and HE10.

5.9 Impact on Amenity

Impacts for Consideration

- 5.9.1 The basis of Policy D1 (4) of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.9.2 In addition to Maldon Local Plan Policy D1, NPPF Policy P3 also states that development should not "*give rise to, or contribute to...unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree*". Matters relating to water and ground contamination are addressed in the relevant sections elsewhere in this committee report.

- 5.9.3 The detailed matters of appearance (to demonstrate factors such as window location), layout and scale are reserved. The precise location, orientation and design of housing would be provided at reserved matters stage. The submitted Development Framework Plan and parameter plans set out significant distances to nearby properties, which can be further increased at reserved matters stage.
- 5.9.4 While it is noted that there would be a significant change to some nearby properties in terms of their view, that is not a material planning consideration. The development scale and permitted location suggests it would not result in any unacceptable impact on outlook, a significant detrimental reduction in residential visual amenity noting 3rd Edition Guidelines on Landscape and Visual Impact, nor unacceptable impacts on daylight, sunlight or overshadowing. This will need to be assessed in detail at reserved matters stage.
- 5.9.5 The MDDG states that “*where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m*”. As noted above, several edge locations of the residential development parameter plan are under 25m from nearest existing residential rear elevation; however, it would be unreasonable to assume that this cannot be mitigated through building placement or rear garden depth at reserved matters stage. As previously noted, the outer edges of the residential development zone would be ‘edge drives’ with the low-speed roads and landscaping on the outside. This would be assessed as part of the reserved matters but shows that rear elevations and gardens would be located internally and allow for additional planting (in addition to the landscaping zone on the Site edges) to improve privacy.
- 5.9.6 The development would introduce external lighting in an area which has no significant existing light sources. A condition is recommended to secure details of a Lighting Strategy to ensure that there is no unacceptable light spill or light pollution to surrounding sensitive receptors, in addition to mitigation from landscaping buffers and the distance to existing properties.
- 5.9.7 While there would be an intensification of the residential use, it is not inherently noise-generating and reflects the Site’s surrounding use. There would be an uplift in vehicle trips associated with the units, but this would not be a level which creates undue noise or levels of pollution. Vehicles would enter/egress the Site from a dedicated access off Kelvedon Road, resulting in minimal impact on existing residents.
- 5.9.8 Noise at construction stage would be controlled through a conditions securing construction working hours, a robust Construction Environmental Management Plan (CEMP) to control vehicle movements, disturbance and dust management, limitations on fixed-plant noise and also through the Control of Pollution Act. While there would certainly be a perceived impact on the surrounding area, it would be temporary and the majority of the works would be separated from existing residential development.
- 5.9.9 The proposed residential use would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area.

Impact on Amenity Summary

- 5.9.10 Subject to the recommended conditions, officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling or other sensitive receptor. This complies with the relevant requirements of LDP Policies D1 and H4, NPPF Policy P3 and the MDDG.

5.10 Transport, Access and Highway Safety

5.10.1 The application has been reviewed by the Highways Authority (Essex County Council (ECC)), who carried out a site visit. The Highways Authority have commented in support the proposal, subject to conditions/planning obligations summarised below:

- Construction Management Plan
- Implementation of access arrangements
- Pedestrian footway improvements
- Bus stop improvements
- Updated Residential Travel Plan and associated £1,883 annual monitoring fee
- Residential Travel Information Packs
- £400,000 contribution towards bus service improvements
- Financial contribution to fund a Traffic Regulation Order together with the provision of associated signage to reduce the speed limit on Kelvedon Road to 40mph between the existing 30mph limit approximately 160m to the north of the proposed access and the junction with Maypole Road and Prince of Wales Road to the south.

Access and Highway Safety

5.10.2 One vehicular access point is proposed, off Kelvedon Road. The access would be 5.5m wide, with 2m footways either side. The Highways Authority advise that it would comply with highways standards in terms of widths and visibility splays. In addition, a Stage 1 Road Safety Audit has been undertaken within the Technical Note updated and is supported by the Highways Authority, subject to the recommended measures to be secured by condition and Highways technical approval. The details of the access, in addition to its implementation before the first occupation of any dwelling, should be secured through a planning condition. Subject to this, the access would comply with the requirements of Local Plan Policies T1 and T2, and NPPF Policies TR3, TR4 and TR6.

5.10.3 Pedestrian/cycle/wheeled access points are proposed on Kelvedon Road, as part of the vehicular access, and in the southeast of the Site onto Catchpole Lane. These locations are reasonable and provide pedestrian routes into Great Totham (South) and Wickham Bishops via Great Totham Road. The latter route would benefit from pedestrian footpath improvements on Kelvedon Road. This is a welcome improvement to sustainable local connections, as noted earlier in this committee report.

5.10.4 The submitted Development Framework Plan also indicates an indicative pedestrian/cycle/wheeled access point in the northeast of the Site as a potential route to Great Totham School, through the adjacent land which benefits from planning permission for 49 units (ref 22/01257/OUTM). This would be a welcome improvement to the permeability of the area; however, relies on an agreement with the adjoining landowner to facilitate access via third party land.

5.10.5 The development would not affect any PRow.

5.10.6 The Transport Assessment (TA) includes an assessment on nearby traffic incident data, which identifies personal-injury collisions but none that deem the Site accesses unsafe or to have an unacceptable impact on highway safety. Noting this existing baseline and the uplift in projected trips, the development would not result in any significant road safety concerns at nearby junctions. The Highways Authority has reviewed the submitted Stage 1 Road Safety Audit and is satisfied that the proposed access would not result in an

unsafe highways environment subject to the conditioned works in response to the audit. Further, a condition is recommended to secure a Traffic Regulation Order on Kelvedon Road to reduce the speed limit to 30mph, which would further improve safety.

Highway Capacity Impact

- 5.10.7 The Highway Authority have not objected to the proposal, noting that the impact of the proposed development on the capacity of the local highway or wider highway network is not expected to be significant and in no way severe, which is the bar at which highways impacts should necessitate refusal under NPPF Policy TR6.
- 5.10.8 The application projects that the development would result in 79 two-way trips in the AM peak and 82 in the PM peak. The Technical Note update remodelled the junction capacity impacts to include the development on the adjacent site for 49 dwellings (ref 22/01257/OUTM) and a live application for 150 dwellings located at the Land 100M East Of 53 Seagers (ref 25/00607/OUTM) which was recently resolved to grant outline permission at the District Planning Committee. The modelling demonstrates a negligible impact on junction efficiency from the proposed development and no significant impact when taking into account the cumulative impact of the schemes, with all junctions operating comfortably within capacity and experiencing only minor delays. Officers are satisfied that the impact would not be significant enough to be detrimental to existing or future users and would not result in a severe impact on highway congestion even taking into account potential cumulative impacts of nearby developments.

Parking

- 5.10.9 Layout is a reserved matter. Details of vehicle and cycle parking provision are therefore not a consideration within this assessment and will be provided at reserved matters stage. As the submitted TA notes, the provision will need to have regard to Local Plan Policies D1(5) and H4, as well as meeting the Vehicle Parking Standards SPD requirements and GTNP Policy GT07.

Transport, Access and Highway Safety

- 5.10.10 While the development would require some reliance on private vehicles, many trips are accessible by active or public transport. Officers are satisfied that the Site is in a sustainable location and would not unacceptably impact on the surrounding highways network. Subject to the conditions referred to, the development would have an acceptable impact in terms of transport, access and highway safety, in accordance with Local Plan Policies D1, T1, T2 and I1; NPPF Policies TR3, TR4 and TR6; and GTNP Policies GTO7 and GTO8.

5.11 Ecology and Biodiversity

Protected and Priority Species

- 5.11.1 The development would have an acceptable impact on protected and Priority species (including bats, reptiles, badger, birds, amphibians and terrestrial mammals) through a recommended condition securing the measures outlined in the submitted Ecological Impact Assessment, produced by Ramm Sanderson. Potential impacts during the construction stage will be mitigated through biodiversity requirements within a CEMP.
- 5.11.2 The Site has suitable foraging and commuting habitat for bats and a condition to ensure that external lighting is sensitive to wildlife is recommended to avoid impacts on light-sensitive species.

Biodiversity Net Gain (BNG)

- 5.11.3 As of 12 February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10 per cent Biodiversity Net Gain.
- 5.11.4 The application is supported by a BNG Assessment and Statutory Biodiversity Metric, which demonstrate that the development would result in a 56.37 per cent gain in hedgerow units and a 65.87 per cent gain in watercourse units; however, there would be a 16.65 per cent loss of habitat units which is currently land used for growing 'non cereal crops', which is defined as 'low distinctive' and 'low strategic significance' within standard BNG metric. This is not defined as a priority habitat, so no priority habitat would be lost as a result of the development. As such, the applicant is proposing to achieve the habitat gain through off-site biodiversity units through local Habitat Banks, which is an acceptable approach that is recognised within the guidance in the PPG on BNG.
- 5.11.5 Officers are satisfied that onsite compensation and enhancement has been maximised, noting the high starting point and site constraints, in addition to the commitment to other habitat enhancements (see next section of this report) and Place Services Ecology have no objections to this approach and advise that this would be established through the Biodiversity Gain Plan, secured through the a planning condition. Maintenance and management of onsite habitat will be secured through a s106 obligation.

Biodiversity Enhancements

- 5.11.6 As a separate matter to mandatory BNG, biodiversity improvements for protected, Priority and threatened species are required by Local Plan Policy N2 and NPPF Policy N2(1)(f). Place Services Ecology advise that this would include the provision of bat and bird boxes, hedgehog highways, and invertebrate 'hotels' (refugia), to be secured by a condition.

Trees and Hedges

- 5.11.7 There are no onsite trees that are subject to a TPO or are protected by way of being inside a conservation area. There are no NPPF-definition Veteran Trees or any Ancient Woodland onsite.
- 5.11.8 The application is supported by an Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP), produced by Mulberry Tree Management. The documents identify 25 specimens that the potential to form a constraint on the scheme, comprising three Category A (high quality) trees, three Category B (moderate quality) trees and 19 Category C (low quality) trees. The trees are all located on the Site boundaries.
- 5.11.9 The application proposes the partial removal of small sections of hedgerows H12 and H13 (both Category B/C), which is considered acceptable subject to details of suitable mitigation planting at reserved matters stage.
- 5.11.10 Subject to the recommended conditions, officers consider the application to comply with the relevant parts of Local Plan Policies D1 and N2, and NPPF Policy N2.

European and Other Designated Sites

- 5.11.11 The Site is not adjacent to any wildlife corridors or stepping stones identified in Figures 6.4 and 6.5 of the GTNP.

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

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

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

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

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

Is the proposal for 100 houses + (or equivalent)? **Yes – up to 150 houses**

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

Summary of Appropriate Assessment

- 5.11.16 The applicant overcame an initial objection from Place Services Ecology through the submission of a "Response to Consultation Response from Place Services" (20/05/2026) (Andrew Martin Planning Ltd) and a Shadow HRA, produced by Ramm Sanderson. The following proposed measures are considered sufficient to mitigate any adverse effects from recreational disturbance upon coastal Habitats Sites.
- RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,332.50 if all 150 dwellings are constructed).
 - 1.54ha of accessible green space within the Site boundary.
 - Circular dog-walking routes of up to 2.7km utilising land within the Site boundary connected to appropriate existing walking routes.
 - Reserved matters stage to include details of dedicated off-lead dog areas and waste bins, signage/information leaflets for future residents to promote the use of these areas over protected sites and a long-term management and maintenance plan.
- 5.11.17 The above measures are supported by NE and Place Services Ecology. Officers recommend securing these through a Section 106 legal agreement. Subject to this, the

development would comply with Local Plan Policy N2, GTNP Policy GTO5 and NPPF Policies N2 and N6.

Ecology and Biodiversity Summary

- 5.11.18 Subject to the above measures and planning obligations, officers are satisfied that the proposal would not unacceptably harm ecology or biodiversity, providing onsite improvements and would not result in an adverse impact on any European or other protected ecology sites, in accordance with Local Plan Policies H8, N2 and I1; GTNP Policies GTO4 and GTO5; and NPPF Policies N2 and N6.

5.12 Drainage and Flood Risk

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

Sequential Test

- 5.12.2 NPPF Policy F5 applies the sequential test, which is intended to steer development to areas of lowest flood risk. The majority of the Site is located in Flood Zone 1, the lowest area of flood risk; however, areas in the east are within Flood Zones 2 and 3 due to Catchpole Brook. Residential development is classed as more vulnerable development within NPPF Annex F, which thereby requires the application of the sequential test unless there is an exception under Policy F5.
- 5.12.3 Policy F5(2)(i) provides an exception to the sequential test where “*no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)*”. The areas of proposed residential development and the Site access (locations secured by the Development Framework Plan) are located within Flood Zone 1, including accounting for future flood risk, and outside of any present/future areas of surface water flood risk. The exception therefore applies and a sequential test is not required.

Flood Risk and Drainage

- 5.12.4 A revised Flood Risk Assessment and Drainage Strategy (FRADS) was submitted and supported by the Lead Local Flood Authority (LLFA). It takes into account appropriate runoff rates and climate change allowance, showing that there would be no significant risk of flooding, taking into account a 300mm freeboard. The system would drain to proposed basins in the east of the Site, where exceedance would be away from proposed dwellings. This is an acceptable approach which would not increase onsite or offsite flood risk.
- 5.12.5 Following initial issues in relation to water quality impact by the LLFA, the applicant submitted additional information, which is supported by the LLFA, with details of the drainage scheme and spine road treatment to be finalised through planning conditions, including the CEMP.

Foul Drainage

- 5.12.6 Anglian Water (AW) are the operator of the local sewerage system and have confirmed that there is sufficient capacity to accommodate the additional foul flows from the development, as well as Great Totham Water Recycling Centre having sufficient capacity to accommodate the additional recycling of wastewater flows from the proposal.

5.12.7 AW have advised that there is an existing pumping station on the Site, which should be subject to a 15m buffer for residential development. A condition is recommended to ensure that this buffer is achieved.

5.12.8 AW have requested a set of informatives be placed on the planning permission, should members be minded to grant, informing the applicant of their duties under the Water Industry Act.

Abstraction and Water Use

5.12.9 Essex & Suffolk Water have stated that they do not comment on planning applications, as it falls outside of their statutory area of responsibility. They advise that they will facilitate a connection to our water network for the proposed development and have sufficient network capacity at present to accommodate the additional operational usage. They encourage the developer to engage with them at the earliest possibility in terms of development timelines, to allow for planning and coordination in achieving this.

5.12.10 Essex & Suffolk Water have also requested that the applicant demonstrates how water will be sourced for construction purposes, including any temporary supply arrangements, to confirm that these will not adversely affect existing supplies or infrastructure. Officers have recommended a condition securing these details prior to the commencement of development, at which point Essex & Suffolk Water can be consulted.

Drainage and Flood Risk Summary

5.12.11 A sequential test is not required, as relevant development would be in Flood Zone 1. Subject to the submission of acceptable reserved matters and details in relation to the conditions stated within this report section, officers are satisfied that the proposal would not have any unacceptable risk in relation to flooding, drainage or water quality, in accordance with Local Plan Policies D1 and D5, GTNP Policies GTO4 and GTO6, and NPPF Policies F4, F5 and F7.

5.13 Other Material Considerations

Mineral Safeguarding

5.13.1 The Mineral Planning Authority do not wish to comment on the application, as they have noted that the area of the proposed development Site located within the Essex sand and gravel Mineral Safeguarding Area (MSA) is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

Education Infrastructure

5.13.2 The proposed development would increase the number of residents living locally, which would result in increased demand on local schools. The ECC Education department have provided comments and do not object to the application, subject to the identified mitigation as follows based on up to 150 dwellings and if less the amounts below would be different as these are calculated using a formulaic process:

- Early years childcare financial contribution of £378,252
- Primary education financial contribution of £945,630
- Education transport contribution of £178,410 for secondary schools
- Libraries financial contribution of £16,543.50, index linked to April 2020

- A £700 monitoring fee per obligation
- Employment and Skills Plan

5.13.3 Subject to the above contributions, the proposal would have an acceptable impact on education provision and infrastructure.

Health Impact Assessment and Healthcare Infrastructure

5.13.4 The NHS Property Services note that there are insufficient existing care services to accommodate the proposed development and therefore require a financial contribution of £111,200 through a planning obligation, to increase capacity to mitigate the additional stress on services.

5.13.5 A Health Impact Assessment (HIA) has been submitted, in accordance with Local Plan Policy I2. The HIA concludes an overall positive effect on the existing and future residents. Benefits include the provision of affordable housing, public open space and play facilities (which would be usable by offsite residents) and improvements to pedestrian and cycling connections which encourages active travel. This complies with NPPF Policy DP3.

5.13.6 The assessment acknowledges that the additional population would increase demand on local healthcare services, including healthcare and schools, but this is mitigated through contributions sought by the Education Authority and the NHS. While there would be a level of amenity from the construction process, officers recommend a condition to ensure that this does not result in disturbance during antisocial hours and the effects can be managed through a CEMP.

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

Crime and Public Safety

5.13.8 The Site does not have any intrinsic safety or crime issues; however, new development will inevitably create areas of potential crime or antisocial behaviour and should be well designed to mitigate against this. The Essex Police Designing Out Crime (DOC) service notes that the application is in outline form but advises that security should receive more consideration within the design, in particular the public realm and green space, requiring further in engagement with the DOC team. Officers consider it reasonable to advise of this requirement through an informative. Further comments can also be provided on the detailed design at reserved matters stage.

5.13.9 The Essex County Fire and Rescue Service advise that further information in relation to building plots, the number of buildings and building size are required for detailed comments – which are largely to be considered at Building Regulations stage.

5.13.10 The Site does not fall within a Health and Safety Executive (HSE) consultation distance of a major hazard site or major accident hazard pipeline.

Air Quality

5.13.11 The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone. There are no sources that would create odour issues in the locality once the development has been built, noting that a 15m buffer zone around the existing pumping house is secured by condition.

- 5.13.12 The construction phase has potential for airborne pollution from dust and particulates; however, this can be mitigated through measures within the CEMP recommended by condition. During the operational phase, road traffic emissions would not have a significant impact upon human or ecology receptors. Subject to conditions, there would not be any unacceptable air quality issues. The development would comply with the relevant parts of Local Plan Policies D1 and D2, and NPPF Policy P3.

Land Contamination

- 5.13.13 Environmental Health officers recommend conditions securing a Phase 2 Contaminated Land Investigation and Remediation Strategy study and remediation if contaminations are found. Officers are satisfied that these conditions acceptably mitigate any potential land contamination impacts, in accordance with the relevant part of Local Plan Policy D2 and NPPF Policy P3.

Energy and Sustainability

- 5.13.14 The submitted DAS states that the development “will aim to provide zero carbon ready homes. This means that carbon emissions from heating, lighting and cooling the homes will be either carbon zero or carbon negative” and at least Energy Performance Certificate B rating. This is not secured or given weight in planning terms, as it is not a current policy requirement, but is encouraged. Sustainable fabrics would be used, in addition to reduction of embodied carbon. Officers recommend a condition securing details of energy efficiency measures, or any renewable energy generation, to be submitted at reserved matters stage. Subject to this, the application would comply with the relevant parts of Local Plan Policies D1 and D2, GTNP Policy GTO6 and NPPF Policy P3.

Waste Management

- 5.13.15 Waste and recycling collection arrangements remain part of the detailed layout, including safe vehicle access, turning, storage and accessible presentation points. Officers recommend a Waste Management Plan condition to secure these details.
- 5.13.16 ECC have requested contributions towards waste management comprising £22,588.50 to improve the recycling facilities and £11,019 to improve waste transfer stations. Officers have reviewed these requests and do not consider them to meet the Community Infrastructure Levy (CIL) Regulation 122 tests, which were outlined earlier in this report.

5.14 Planning Obligations

- 5.14.1 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”*.
- 5.14.2 Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the CIL Regulations) states that *“planning obligations must only be sought where they meet all of the following tests: a) b) c) necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development”*.

5.14.3 NPPF Policy DM6(4) states that “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”.

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

Affordable Housing

- Provision of at least 40 per cent affordable housing with a tenure split of at least 80 per cent rented, 20 per cent intermediate produce within this provision. Provision of at least 75 per cent social rent within the affordable rent portion.
- A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Provision of affordable home ownership products in line with policy Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England.
- Shared Ownership units prevented from obtaining more than 80% ownership in the property, due to the Designated Protected Area location.
- All affordable units to meet Nationally Described Space Standards.
- An Affordable Housing Scheme to be agreed with the Council.
- 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

The financial contributions below are based on the formula used by ECC's Education team per dwelling. If 150 dwellings were built the financial contributions would be as follows:

- Early years childcare financial contribution of £378,252
- Primary education financial contribution of £945,630
- Education transport contributions of £178,410 for secondary schools
- Libraries financial contribution of £16,543.50, index linked to April 2020
- An Employment and Skills Plan for post 16 education
- A £700 monitoring fee per obligation

Highways

- Annual Travel Plan monitoring fee of £1,883 (index linked to April 2026) from first occupation until one year after final occupation
- Sunday bus service financial contribution of £400,000 to improve connections of the site with Maldon and Witham

Healthcare Infrastructure

- NHS healthcare Primary Care Network infrastructure contribution of £112,500

Ecology and Biodiversity

- Essex Coat RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,332.50 if all 150 dwellings are constructed) and implementation of mitigation measures including:
 - 1.54ha of accessible green space within the Site boundary
 - Circular dog-walking routes of up to 2.7km utilising land within the Site boundary connected to appropriate existing walking routes.
 - Details of dedicated off-lead dog areas and waste bins, signage/information leaflets for future residents to promote the use of these areas over protected sites and a long-term management and maintenance plan.

Monitoring Fees

- MDC S106 administration and monitoring fee of £1,638.

Open Space

- Maintenance of open space, children's play spaces and the orchard, including management company details.

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

5.14.6 Great Totham Parish Council's position is that they object to the application for multiple reasons but they have stated that if permission were granted, planning obligations should secure funding to upgrade the village hall, towards improvements to play facilities at Jubilee Recreation Ground, towards local sports provision and the cricket club, and towards footpath, cycle and walkway enhancements linking the Site to village services. The access improvements are proposed as part of the application, to be secured by condition. The application proposes sufficient onsite open space and play facilities, that there would not be any undue offsite impact that warrants a contribution to those facilities as it would not be required to make the application acceptable in planning terms. Equally, there is no evidence that the development would need to contribute to the village hall infrastructure in order to be acceptable or mitigate impacts. No justification has been provided for the requests, including a lack of evidenced financial sums. Officers have had regard to the improvements proposed as part of the application in addition to the tests under CIL Regulation 122, which require planning obligations to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The obligations do not meet the CIL tests and are therefore not sought.

6. ANY RELEVANT SITE HISTORY

6.1 There is no relevant onsite planning history. Relevant offsite planning history is provided in the Principle of Development section of this Committee report.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council Object, for the following reasons: • The Site lies outside Great Totham's settlement boundary and is not allocated for development. • The proposal would reduce the open gap between Great Totham and Wickham Bishops, risking settlement coalescence and loss of village identity. • The development of housing on a green site would have an urbanising effect on the agricultural countryside and cause permanent harm to the rural landscape, important views and village setting. • Additional traffic would result in road safety issues. • The local facilities and infrastructure do not have capacity to accommodate the additional units, including the local GP, village hall and recreational facilities. • The Site would have limited public transport connections or access to services, resulting in a reliance on private motor vehicles. • Existing housing delivery and unsold homes locally call into question the immediate need for further large-scale greenfield development. • The proposal would result in the loss of productive agricultural land. • The housing benefits would not outweigh the landscape, infrastructure, transport and policy harms. • If permission is granted, a S106 agreement should secure the following: ○ Funding to upgrade the village hall infrastructure. ○ Contributions towards improvements to children's and young people's play and youth facilities at Jubilee Recreation Ground. ○ Contributions towards local sports provision and facilities at the cricket club and Jubilee Recreation Ground. ○ Footpath, cycle and walkway enhancements linking the site to village services, in line with the Great Totham Neighbourhood Plan.		These comments are responded to where relevant within this committee report.

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object, for the following reasons: - The Wickham Bishops Neighbourhood Plan states that development on the settlement edge must avoid any risk of coalescence with Great Totham; this proposal does not demonstrate compliance with that requirement. - The lack of comment from the Education Authority (school places), Anglian Water (in respect of sewage) and ECC Highways are a matter of concern. - The delivery of offsite BNG is unacceptable and sufficient justification has not been provided.	Responses provided below: - The Site does not fall within the Wickham Bishops Neighbourhood Plan area. - Comments have been received from these consultees and mitigation will be secured through conditions and a s106 legal agreement where applicable. - This is addressed in the relevant section of this report.

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Active Travel England	No comment , standing advice should be followed.	Noted
Arboricultural Officer (Place Services)	No objection, subject to the following conditions: - Details on tree retention and protection measures. - Protection of existing hedges and shrubs.	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	No objection, subject to the following condition: Phased Scheme of Archaeological investigation	Condition added to Section 8 of this report.
Anglian Water	No objection , subject to condition regarding the pumping station. The foul network and Great Totham Water Recycling Centre (WRC) have capacity. Sensitive development must be kept 15m from the existing pumping station.	Condition added to Section 8 of this report.
Ecology (Place Services)	No objection, subject to the following conditions: - CEMP for biodiversity - Biodiversity Enhancement Strategy - Wildlife Sensitive Lighting Design - Habitat Regulations mitigation measures - Habitat Management and	Conditions or planning obligations added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Monitoring Plan (HMMP) Standard BNG condition	
Education (ECC)	No objection , subject to financial contributions to education services.	Contributions recommended as part of a s106 legal agreement Heads of Terms.
Essex County Fire and Rescue Service	Advice provided. Further assessment will be undertaken on the detailed design, or at Building Regulations stage.	Noted.
Essex Police – Designing Out Crime	Advice provided on design provided. We would welcome the opportunity to discuss the design with the applicant.	Noted.
Essex and Suffolk Water	No objection. The additional requirements will be met. We request that the developer demonstrates how water will be sourced for construction purposes, including any temporary supply arrangements.	Condition added to Section 8 of this report.
Highways Authority (ECC)	No objection , subject to the following conditions: - Construction Management Plan - Implementation of access arrangements - Pedestrian footway improvements - Bus stop improvements - Updated Residential Travel Plan and associated £1,883 annual monitoring fee - Residential Travel Information Packs £400,000 contribution towards bus service improvements - Financial contribution to fund a Traffic Regulation Order regarding speed limit reduction.	Conditions and planning obligations added to Section 8 of this report and S106 draft Heads of Terms.
Lead Local Flooding Authority (LLFA) (ECC Sustainable Drainage Systems (SUDS))	No objection , subject to the following conditions: - Detailed surface water drainage scheme. - Measures to minimise offsite flooding. - Maintenance arrangements - Annual maintenance logs	Conditions added to Section 8 of this report.
Minerals and Waste	No objection or comment as	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Planning (ECC)	the proposed development site located within the Essex sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.	
Natural England	No objection subject to appropriate mitigation being secured.	Noted
National Health Service Property	No objection , subject to a financial contributions of £112,500 towards provision of additional health services.	Planning obligation added to Section 8 of this committee report and S106 draft Heads of Terms.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	No objection. The proposal will have no impact on the setting or significance of any nearby designated heritage assets.	Noted.
Environmental Health Officer	No objection subject to the following conditions: • Construction Management Plan (CMP). • Construction working hours. • Phase 2 Contaminated Land Investigation and Remediation Strategy • Noise restriction for fixed plant and equipment. • External lighting details.	Conditions added to Section 8 of this report.
Housing (MDC)	No objection. The affordable housing is welcomed. The Site is within a Designated Protected Area, requiring additional controls on shared ownership housing.	Noted. Shared Ownership controls added to the planning obligations in Section 8 of this report.

7.4 Site Notice / Advertisement

- 7.4.1 A press notice was published on 07/05/2026. Site notices were placed near the Site on 01/07/2026. The public consultation period ended on 22/07/2026

7.5 Representations received from Interested Parties (summarised)

7.5.1 94 public representations have been received in response to the application at the time of this report being published, comprising 40 objections and 52 supporting comments

7.5.2 The matters raised in **objection** to the application are summarised below:

Objection Comment	Officer Response
<u>Principle of development</u> - The development location is inappropriate, outside of the settlement boundary, which conflicts with the Local Plan and Neighbourhood Plan. - The tilted balance would not apply to this application. - The expansion is disproportionate to the scale of the existing village, noting the other nearby permissions. - The development would result in an unacceptable loss of agricultural land. - The cumulative impacts across the surrounding area need to be considered, not just Great Totham in isolation.	Responses to matters relating to the principle of development are provided within the Principle of Development section.
<u>Sustainability of the Site</u> - The Site has a poor bus service and is distanced from rail services. - Occupiers of the development will rely on private motor vehicles.	Responses to matters relating to the principle of development are provided within the Principle of Development section.
<u>Infrastructure</u> - The development would have an unacceptable impact on the limited local infrastructure. There would be a cumulative impact with other nearby permissions. This affects healthcare, education, shops, drainage capacity and village facilities. - The local primary school is oversubscribed and has insufficient land to expand. This would result in displacement of Wickham Bishops children. The infrastructure contribution is not guaranteed to create additional school places. - The development should make contributions to other local facilities. - The recent approval at Seagers in Great Totham has removed the medical element, exacerbating infrastructure impact.	Responses to matters relating to the principle of development are provided within the Principle of Development section, or the relevant section of this committee report where infrastructure contributions are sought. That application was subject to its own mitigation, as is the current application.
<u>Landscape, Visual Impact and Design</u> The development would result in the loss of the local Arcadian rural character.	Responses to matters relating to the principle of development are provided within the Landscape and Visual

Objection Comment	Officer Response
- Views would be impacted. - The building of 150 repetitive houses is out of keeping with the unique character of the area. - The 9m height is inappropriate on the site. - Verges would be urbanised. - The development would set a visual precedent for further development.	Impact, and Design sections of this Committee report.
<u>Residential Amenity and Health</u> - The development would result in a loss of outlook and natural light. - Houses would unacceptably overlook existing neighbouring properties to the north. - The construction process would result in dust, noise and vibration, disturbing residents. - Proposed street lighting and the impact of vehicle headlights would cause light spill and affect dark skies. - The impacts of construction dust would cause health issues. The development would have long-term impacts on air quality. - The development would impact on the health of existing residents.	Responses to matters relating to the principle of development are provided within the Residential Amenity, Air Quality and <u>Health Impact Assessment and Healthcare Infrastructure</u> sections of this Committee report.
<u>Highways and Transport</u> - Routes such as Catchpole Lane, Maypole Road and Kelvedon Road already experience traffic-related issues, including congestion and speeding. - The proposed access is unsafe. - Additional parking would create unsafe environments, including at schools and creating obstruction to buses. - The highways boundary is inaccurate. The vehicle trips rates underestimate the number of car movements. - There is no continuous safe pedestrian school route. - The speeds recorded within the traffic surveys should be higher. - Increased traffic would result in dangerous junction sightlines, obstructions and would endanger people including vulnerable pedestrians and horse riders, in addition to children at the nearby school.	Responses to matters relating to the principle of development are provided within the Transport, Access and Highway Safety section of this committee report. An updated transport technical note was received, which addressed some previous issues and is supported by the Highways Authority.

Objection Comment	Officer Response
• The submitted traffic data is incorrect. • Trips would not be equally distributed and the assumptions of the highways assessment are therefore wrong. • The footway would be narrowed and remove verge use, including for horse riders. Land outside the highway may be required. • Vehicle movements would put further pressure on Blue Mills Bridge.	
<u>Ecology and Biodiversity</u> • The development would unacceptably impact on species, including bats, protected mammals, newts, owls, deer and other wildlife. • Downstream ecology from Catchpole Brook would be harmed. • Further assessment of impacts is required, as Natural England have identified the application as being in a zone of influence. • The development would remove hedges and Category A/B trees. • Offsite BNG has not been justified.	Responses to matters relating to the principle of development are provided within the Ecology and Biodiversity section of this Committee report.
<u>Drainage and Flood Risk</u> • The proposal would increase impermeable surfaces, increasing runoff into Catchpole Brook. • The development would exacerbate offsite flooding, including on Foster Road/Walden House Road. • The Council should be assured that the drainage will be retained for the lifetime of the development. • The development would result in long-term water quality impacts. • There is inconsistency with regard to historic boreholes and wells.	Responses to matters relating to the principle of development are provided within the Drainage and Flood Risk section of this Committee report.
<u>Other Matters</u> • The development would result in the loss of village lifestyle and lower property values. • There has been an issue and delay in publishing comments or sending out notices. • The development would cause subsidence. • Permission was refused for a coffee trailer, why is this application different.	The Council has undertaken due statutory consultation, and relevant information is available on the public website. There is no information suggesting subsidence would be caused, or other land stability concerns. This would also be addressed at Building Regulations stage. Every application must be determined on its own merits, taking into account the planning balance.

7.5.3 The matters raised in **support** to the application are summarised below:

Supporting Comment	Officer Response
<u>Housing</u> - The new housing is greatly needed in the area. - There is an urgent need for affordable homes, which would allow young adults and families to remain near relatives and reduce council waiting lists.	Noted
<u>Design</u> - Spacious gardens and high-quality landscaping would be welcome, including the orchard, trees and hedges. - Onsite parking is supported. - The design of houses is good quality.	Noted; however, some of these comments relate to reserved matters and are therefore not considered within this outline assessment.
<u>Ecology and Biodiversity</u> - The proposed green infrastructure is welcomed. - The development would provide an orchard, public play space and would make an inaccessible field usable.	Noted
<u>Economy</u> The additional local expenditure would support local businesses.	Noted

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing

- Provision of at least 40 per cent affordable housing with a tenure split of at least 80 per cent rented, 20 per cent intermediate produce within this provision. Provision of at least 75 per cent social rent within the affordable rent portion.
- A tenure layout plan, demonstrating acceptable clustering of affordable units and details of tenure type and unit size.
- Provision of affordable home ownership products in line with policy Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England.
- Shared Ownership units prevented from obtaining more than 80% ownership in the property, due to the Designated Protected Area location.
- All affordable units to meet Nationally Described Space Standards.
- An Affordable Housing Scheme to be agreed with the Council.

- 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

The financial contributions below are based on the formula used by Essex County Council's Education team per dwelling. If 150 dwellings were built the financial contributions would be as follows:

- Early years childcare financial contribution of £378,252
- Primary education financial contribution of £945,630
- Education transport contributions of £178,410 for secondary schools
- Libraries financial contribution of £16,543.50, index linked to April 2020
- An Employment and Skills Plan for Post 16 education
- A £700 monitoring fee per obligation

Highways

- Annual Travel Plan monitoring fee of £1,883 (index linked to April 2026) from first occupation until one year after final occupation
- Sunday bus service financial contribution of £400,000 to improve connections of the site with Maldon and Witham

Healthcare Infrastructure

- NHS healthcare Primary Care Network infrastructure contribution of £112,500

Ecology and Biodiversity

- Essex Coat RAMS contribution of £175.55 (indexed to April 2026) per dwelling (up to £26,332.50 if all 150 dwellings are constructed) and implementation of mitigation measures including:
 - 1.54 ha. of accessible green space within the Site boundary
 - Circular dog-walking routes of up to 2.7km utilising land within the Site boundary connected to appropriate existing walking routes.
 - Details of dedicated off-lead dog areas and waste bins, signage/information leaflets for future residents to promote the use of these areas over protected sites and a long-term management and maintenance plan.

Monitoring Fees

- Maldon District Council Section 106 administration and monitoring fee of £1,638.

Open Space

- Maintenance of open space, children's play spaces and the orchard, including management company details.

PROPOSED CONDITIONS

1 Outstanding Reserved Matters

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

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

2 Reserved Matters Time Limit

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

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

3 Outline Permission Commencement Time Limit

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

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

4 Approved Plans and Parameter Plans

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

- Location Plan LP-01 Rev C
- Land Use and Access Parameter Plan PP-01 Rev E
- Green and Blue Infrastructure Parameter Plan PP-02 Rev D
- Building Heights Parameter Plan PP-03 Rev D
- Development Framework Plan DFP01 Rev G
- Proposed Site Access Arrangement and Highway Improvements 25-342-T-001 Rev G
- Highway Improvements 25-342-T-004 Rev B
- Proposed Layout Swept Path Analysis 10m refuse vehicle 25-342-T-005 Rev B

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.

5 Housing Unit Size Mix

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.

6 Soft and Hard Landscaping Scheme

The reserved matters for 'landscaping' pursuant to Condition 1 of this permission 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. These details shall include:

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

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved and shall be retained in accordance with the approved details thereafter.

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

REASON to secure the retention and provision of appropriate landscaping on the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide and Policies DP3 and N2 of the National Planning Policy Framework.

7 Site Levels

No development (excluding preliminary groundworks and site preparation) shall commence until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such for the duration of the development.

REASON In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the approved Maldon District Local Development Plan (2017) and Policies DP3, P2 and P3 of the NPPF.

8 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 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 To ensure that on-road parking of these vehicles in the adjoining roads does not occur, prevent dust emissions, ensure that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, and to protect priority and protected species and nearby designated habitats sites, in the interests of highway safety and in accordance with Policies D1, D2, D5, N1 and N2 of the Maldon District Local Development Plan (2017) and Policies P4 and TR6 of the National Planning Policy Framework (2026).

9 Construction Groundwater Sourcing

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

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

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

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

10 Site Access

Prior to the first occupation of the development hereby permitted, the site access as shown in principle on plan reference no '25-342-T-001 Rev G' shall be fully installed and operational. The access shall be maintained in accordance with the hereby approved plan for the lifetime of the development.

REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and so that vehicles and pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017) and Policy TR4 of the National Planning Policy Framework (2026).

11 Public Footpath Improvements

Prior to the first occupation of the development hereby permitted, as per approved drawings '25-342-T-001 Rev G' and '25-342-T-004 Rev B' the developer shall provide a 2 metre pedestrian footway on Kelvedon Road (with localised narrowing where constrained by the highway boundary) together with appropriate dropped kerb and tactile paving crossings which shall also include Kelvedon Road on the north side of its junction with Great Totham Road and Walden House Road. The Catchpole Road pedestrian / cycle access shall similarly be provided with an appropriate dropped kerb and tactile paving crossing. The pedestrian footway 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 T1 and T2 of the Maldon District Local Development Plan (2017) and Policy TR4 of the National Planning Policy Framework (2026).

12 Bus Stop Improvements

Prior to occupation of the proposed development, the two existing bus stops nearest to the proposed pedestrian / cycle access on Catchpole Lane shall be upgraded. The northeast-bound stop shall be provided with a timetable information case, and the southeast-bound stop shall be provided with raised kerbs and timetable information 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.

13 Traffic Regulation Order

Prior to occupation of the proposed development, the developer shall pay (through the Highway legislation requirements) for a Traffic Regulation Order together with the provision of associated signage to reduce the speed limit on Kelvedon Road to 40mph between the existing 30mph limit approximately 160m to the north of the proposed access and the junction with Maypole Road and Prince of Wales Road to the south.

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

14 Travel Plan

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

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017) and Policies TR3 and TR6 of the National Planning Policy Framework (2026).

15 Residential Travel Packs

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 S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

16 External Materials

The reserved matters for the approval of layout and appearance shall include details of all proposed external finishing materials to be used in the development and a materials site plan demonstrating the site-wide layout of the external finishes.

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

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

REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and Policy DP3 of the National Planning Policy Framework (2026).

17 Boundary Treatment

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

Prior to the first occupation of any dwelling hereby approved, details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

REASON To ensure the use of appropriate details to safeguard the character and appearance of the area and ensure satisfactory residential amenity, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and Policy DP3 of the National Planning Policy Framework (2026).

18 Surface Water Drainage Scheme

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. If infiltration is viable, an infiltration drainage scheme should be prioritised in accordance with the Drainage Hierarchy.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 45% allowance for climate change. The discharge rate should be limited to 1.4l/s for Parcel A, 1.3l/s for Parcel B, and 1.7l/s for Parcel C for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100-year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event OR demonstrate that features are able to accommodate a 1 in 10-year storm event within 24 hours of a 1 in 30-year event plus 45% climate change.

- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
- As the site is within a Critical Drainage Area, each property should be fitted with a water butt.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Surface water from the main spine road will require a minimum of two stages of treatment prior to discharge.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, Finished Floor Level (FFL) and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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

REASON To prevent flooding, ensure effective operation of SuDS features over the lifetime of the development and mitigate environmental harm to the local water environment, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and Policies F4, F7 and F8 of the National Planning Policy Framework (2026).

19 Offsite Flooding

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

REASON To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and Policies F4, F7 and F8 of the National Planning Policy Framework (2026).

20 Surface Water Drainage Maintenance Scheme

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

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

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and Policies F4, F7 and F8 of the National Planning Policy Framework (2026).

21 Surface Water Drainage Maintenance Logs

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

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and Policies F4, F7 and F8 of the National Planning Policy Framework (2026).

22 Tree Retention and Protection

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

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

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

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide and Policies N2 and N3 of the National Planning Policy Framework (2026).

23 Hedges and Shrubs Retention and Protection

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

The protective fencing shall be erected in accordance with the approved details before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure

shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan, the Maldon District Design Guide and Policies N2 and N3 of the National Planning Policy Framework (2026).

24 Archaeology Phased Programme – Pre Excavation

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 protect the site which is of archaeological interest ensure that investigation and recording of any remains takes place prior to commencement of development, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and Policies HE5, HE7 and HE10 of the National Planning Policy Framework (2026).

25 Archaeology Phased Programme – Pre Excavation

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 protect the site which is of archaeological interest ensure that investigation and recording of any remains takes place prior to commencement of development, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and Policies HE5, HE7 and HE10 of the National Planning Policy Framework (2026).

26 Phase 2 Contaminated Land Investigation

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

Planning Authority. The investigation shall assess the nature and extent of contamination and ground gas risks and include appropriate recommendations.
REASON To ensure that potential land contamination risks are fully assessed and that the site is suitable for residential use, in the interests of public health and environmental protection, in accordance with Policy D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

27 Remediation Strategy

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

If contamination not previously identified is found during development, works shall cease and a remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to recommencement.

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

28 Verification Report

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

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

29 Public Open Space Provision

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

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.

30 Children's Play Equipment

Prior to the first occupation of any residential unit hereby permitted, details of children's play space equipment specifications, layout and safety features shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall ensure that a range of play equipment is provided, which is designed to be accessible and inclusive to children of all abilities and needs. The design of the play areas shall ensure that access is level and that any routes, surfacing or gradients are appropriate for wheelchair users or people with mobility impairments.

The play space equipment shall be implemented prior to the occupation of any residential unit hereby permitted and retained in accordance with the approved details for the lifetime of the development.

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

31 Sustainability and Renewable Energy

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

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

REASON In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies D1 and D2 of the Maldon District Local Development Plan (2017); Policy CGTO6 of the Great Totham Neighbourhood Plan and policies W3, CC2 and CC3 of the NPPF.

32 Waste Management Plan

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

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

33 Biodiversity Enhancement Strategy

A Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to the Local Planning Authority concurrently with the reserved matters submitted pursuant to Condition 1 of this permission.

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

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

The Biodiversity Enhancement Strategy shall have been approved in writing by the Local Planning Authority prior to the commencement of any development hereby approved. The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the approved Maldon District Local

34 Habitat Management and Monitoring Plan (HMMP)

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

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

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

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

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

REASON To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development and to meet the requirements of Policies N1 and N2 of the Maldon District Local Development Plan (2017) and Policy N2 of the National Planning Policy Framework (2026).

35 Wildlife Sensitive Lighting Scheme

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

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

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

REASON To ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy N2 of the National Planning Policy Framework (2026).

36 Fixed Plant Noise

Any externally mounted plant, pumps, extraction systems, air source heat pumps, substation equipment or other fixed mechanical plant serving the development shall be designed and operated so that the rating level of noise emitted does not exceed the existing background sound level (LA90) at the nearest noise-sensitive receptor when assessed in accordance with BS4142:2014+A1:2019.

REASON To protect the amenities of nearby noise sensitive occupiers, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and Policy P3 of the National Planning Policy Framework (2026).

37 Pumping Station Buffer

No dwelling or any other development sensitive to noise, odour or maintenance disturbance shall be located within 15m of the boundary of the existing sewage pumping station. The reserved matters shall identify the buffer and maintain access to the infrastructure.

REASON To protect the amenities of nearby noise sensitive occupiers, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and Policy P3 of the National Planning Policy Framework (2026).

INFORMATIVES

1. Biodiversity Net Gain

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

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

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

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

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

2. Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created

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

3. ECC Highways

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway. In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only. The proposals should be in

accordance with Maldon District Council's adopted vehicle and cycle parking standards when a reserved matters application is submitted. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

4. Lead Local Flood Authority

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a Geographic Information Systems (GIS) layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

5. Essex Police

You are advised to refer to Essex Police Designing Out Crime Officer advice when considering the detailed design at reserved matters stage.