



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**DISTRICT PLANNING COMMITTEE  
3 SEPTEMBER 2025**

<b>Application Number</b>	<b>24/01004/OUTM</b>
<b>Location</b>	Land South of Threeways And 45 The Street, Latchingdon, Essex
<b>Proposal</b>	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(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.
<b>Applicant</b>	EJ Latchingdon Ltd
<b>Agent</b>	Mr Matthew Driscoll - MJD Planning Ltd
<b>Target Decision Date</b>	24.03.2025
<b>Case Officer</b>	Patrick Daly
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Major application Departure application

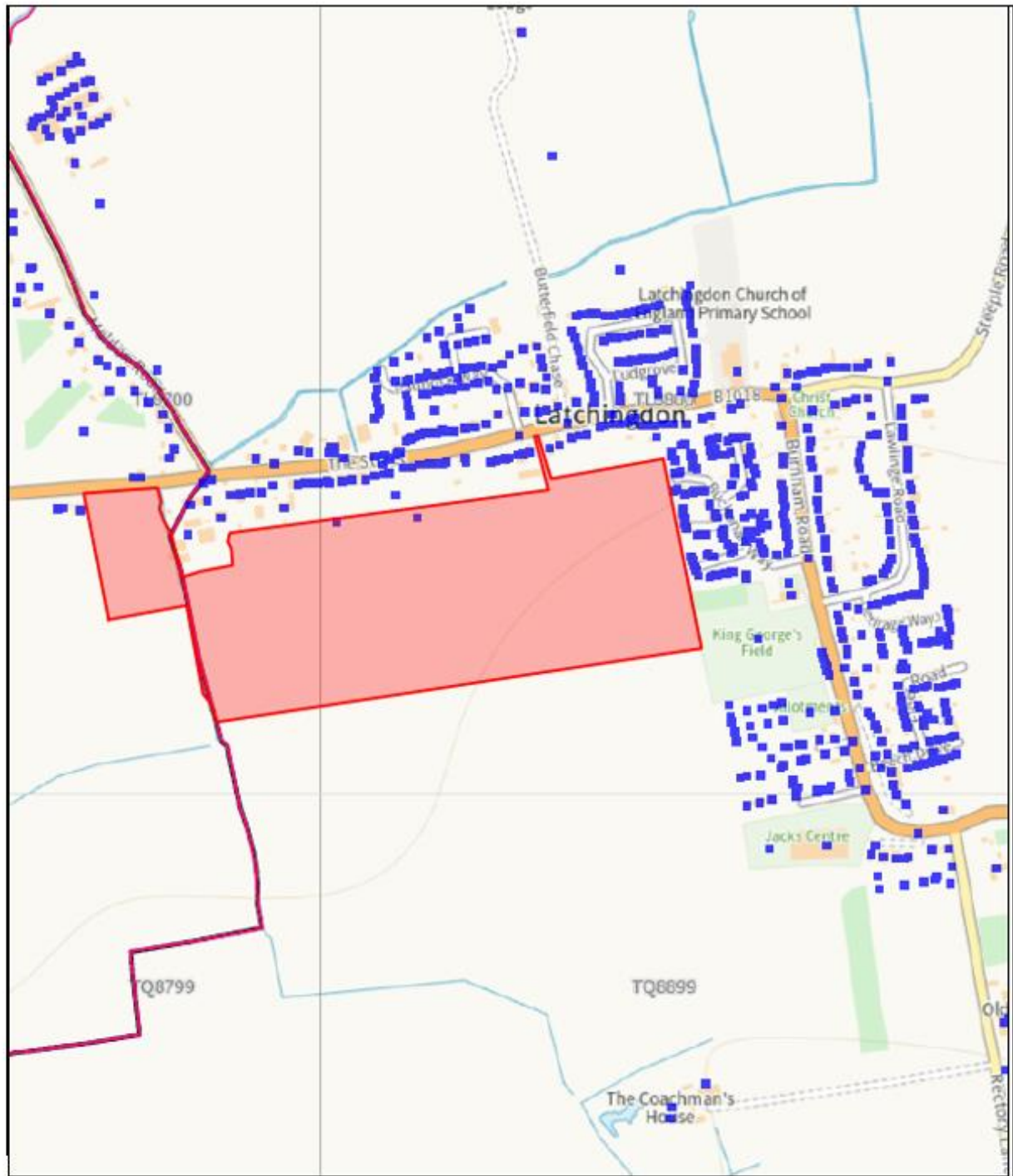
**1. RECOMMENDATION**

**APPROVE** subject to a legal agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.

24/10004/OUTM – Land South Of Threeways And 45 The Street – Latchingdon



### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site is located to the south of the village of Latchingdon, outside but immediately adjacent to the defined settlement boundary. It comprises of several agricultural fields that are relatively flat, bordered by trees and foliage and with lines of trees and shrubs within the application site. Cumulatively, the site area comes to 15.84 hectares.
- 3.1.2 The site is bounded largely by residential gardens of dwellings fronting The Street to the north and Buchanan Way to the east, consisting of close boarded fences and elements of light foliage. The rest of the site is bounded by intermittent lines of trees and hedgerows and open field grassland.
- 3.1.3 Further afield to the north of the site, on The Street, are predominantly two-storey detached and semi-detached dwellings, with a few other uses including the Red Lion Pub, post office, convenience stores and petrol station. To the east is residential development on Buchanan Way, Shoreham Gardens and St Michael's Close comprising a mix of two storey semi-detached, terraced properties and bungalows. To the south and west lie further agricultural land, with the tail end of Latchingdon to the southeast, which contains new build properties of the Sunmead development (16/00299/FUL and subsequent variations).
- 3.1.4 Regarding designations, the site is not the subject of any national or local landscape designations. There are no heritage assets on site, it does not form part of a conservation area, with the nearest listed buildings being The Red Lion public house (Grade II listed) which backs onto a paddock to the north of the site and fronts on to The Street. A small cluster of other heritage assets are located to the east including Chestnuts, Anchor Cottage and Christ Church, all of which are also Grade II listed.
- 3.1.5 There are no Tree Preservation Orders on the site or in proximity. However, parts of the site to the west and north are located in Flood Zone 3, owing to the presence of a stream that dissects the site in this location.
- 3.1.6 There are three Public Right of Ways (PRoWs) that cross the site or are in proximity: PRoW 7 lies to the south of the site linking east to west; PRoW 8 dissects the centre of the site and flows northwards to link to The Street; and PRoW 10 lies to the east of the site and crosses the site to the north to link to The Street. All PRoWs link up to the south of the site.

##### Description of Proposal

- 3.1.7 The application has been submitted in outline form with all matters of detail reserved for future determination, except for means of access to the site. The application is accompanied by a Parameters Plan (130.PL03) that outlines the areas for development into various uses classes, public open space, accesses and other associated development, which is explored below.
- 3.1.8 It proposes a residential development of up to 140 homes to spread across two parcels of land on the site. Vehicular and pedestrian access would be secured via The Street between Sharp's Farm and Lyndale. Further secondary access points for pedestrians and cyclists would follow the existing routes of PRoW 8 and 10 noted above, the former linking to The Street between 61 and 63 (and would include

emergency vehicle access) and the latter between 43 and 45a, linking to an existing bus stop.

- 3.1.9 Supporting infrastructure, although shown indicatively, would include a new village centre (Use Class E(a) - 400sq.m) and shop (Use Class E - (250sq.m), flexible employment/commercial space (Use Class E - 600sq.m). These would be located to north and northeast of the site, towards the main core of the village.
- 3.1.10 Landscaping is proposed throughout the site on the western and southern peripheries and public open space would also buffer the main segment of the site to the north, east and west. Community allotments would be located to the northeast.
- 3.1.11 Sustainable urban Drainage Systems (SuDS) via the provision of swales would be located to the north and south of the main parcel, as well as the western section. Car and cycle parking would also be delivered.
- 3.1.12 The application is accompanied by the following supporting documents:
- Site Location Plan 130.PL01
  - Site Context Image 130.PL02
  - Proposed Parameters Plan 130.PL03
  - Proposed Illustrative Masterplan 130.PL04
  - Illustrative Aerial View of Proposed Masterplan 130.PL05
  - Illustrative Aerial View of Proposed Masterplan with Footpath and Cycle Links 130.PL06
  - Design and Access Statement
  - Planning Statement
  - Affordable Housing Statement (Part of the Planning Statement)
  - Ecological Report
  - Biodiversity Net Gain Metric
  - Flood Risk Assessment (FRA) and Drainage Strategy
  - Hydraulic Modelling Report
  - Health Impact Assessment
  - Heritage Impact Assessment
  - Landscape and Visual Assessment
  - Arboricultural Implications Report including Tree Survey and Tree Protection Plan
  - Archaeological Desk Based Assessment
  - Transport Assessment and Framework Travel Plan
  - Draft Heads of Terms for S106 agreement (Part of the Planning Statement)
  - Noise Impact Assessment

### Background

- 3.1.13 This application has been made following the Council's call for sites as part of the ongoing review of the Maldon District Local Plan, and identification of the land as a potentially suitable location for housing (LD1) in the Council's Housing and Economic Land Availability Assessment (HELAA) January 2022 and the recent changes to the National Planning Performance Framework (NPPF) and the standard methodology therein. It should be clearly noted however that the HELAA does not allocate land for development or presume that a planning application would be supported. The

Maldon District HELAA has been prepared having regard to the published Government guidance that is applicable to all other local planning authorities in England as well, and the methodology used is set out in the HELAA Report.

- 3.1.14 A Screening Opinion was submitted in May 2024 (24/00382/SCR), assessing the requirement for Environmental Impact Assessment with a forthcoming planning application comprising 130 dwellings, 1,000-1,500 sqm of flexible employment floorspace/community use, comprehensive SuDs and flood alleviation measures, public open space and play areas. Following a review by Officers, it was considered that the e impact of the development was not likely to have a significant environmental impact to an extent that the development would be EIA development and therefore, an Environmental Statement would not be required to be submitted as part of a planning application.
- 3.1.15 Attention is drawn to the recent application to the east of Latchingdon (22/01174/OUTM - Land north of The Groves, Burnham Road), which was refused at Committee on 14 June 2023 and then allowed at appeal (APP/X1545/W/23/3331398) on 6 February 2024. The conclusions of the Inspector are an important consideration in the context of this application, as the decision to allow the appeal was in context of the Council having 5.97 years of housing land supply. The Inspector concluded that despite the site falling outside of the settlement boundary in a 'smaller village' and not being located adjacent to a more sustainable location, namely the three main settlements in Maldon, the benefits of the scheme were considered to outweigh the harm and that Latchingdon was a relatively sustainable location to accommodate development of this scale.

## **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, it is considered that although located outside any settlement boundary, policies in relation to housing and spatial development carry less weight due to the Council's Five-Year Housing Land Supply (5YHLS) position. Other relevant considerations include the findings of the Rural Facilities Study 2023, which identifies Latchingdon as one of the more sustainable villages in the District.
- 3.2.2 The lack of a 5YHLS means that as per the NPPF, the 'tilted balance' is engaged and the benefits and harms must be weighted in the planning balance without the full weight of local plan policies concerning the provision of housing.
- 3.2.3 In addition to economic benefits associated with temporary jobs during the construction of the development, the scheme includes a new village centre, shop and flexible employment / commercial floorspace. Environmentally, the development would have a degree of visual impact on the character and setting of the town, although this would be limited to local views and can be ameliorated via sensitive landscaping and planting at reserved matters stage.
- 3.2.4 In social terms the proposals would make a significant contribution to the supply of housing in the District at a time when the Council can only demonstrate that it has 2.7 years housing land supply, whereby maintaining a minimum of a 5YHLS is a benchmark of a healthy housing land supply under the NPPF. In this respect, the proposal would provide 140 new homes of which 40% (56) would be affordable and thus would make a significant contribution to maintaining a 5YHLS and help to address the shortfall in affordable housing. It would also provide a significant amount of new public open space of recreational value to the existing community as well as future residents.

- 3.2.5 Other remaining planning matters (education, healthcare, highways etc.) are addressed under the terms of the S106. The recommended conditions are listed at the end of this report.
- 3.2.6 For the reasons summarised above the benefits of the proposed development are considered to outweigh any potential harm caused and as such the scheme is recommended for conditional approval.

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

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 54-58 Planning conditions and obligations
- 61-84 Delivering a sufficient supply of homes
- 85-89 Building a strong and competitive economy
- 96-108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places
- 187-201 Conserving and enhancing the natural environment
- 202-214 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility

- I1 Infrastructure and Services
- I2 Health and Wellbeing

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

- National Planning Practice Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the National Planning Policy Framework require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF – an economic objective; a social objective; and an environmental objective. Moreover, 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 includes key principles to be applied in policy and decision making.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP flows from Policy S2 and steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP.

#### **Five-Year Housing Land Supply**

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year

Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.

- 5.1.6 The Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (December 2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. In these circumstances, the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8 in regard to settlement boundaries, the policy cannot be considered as up to date because the Council cannot demonstrate 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*. However, to clarify the above, it is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.1.9 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan. An assessment of the planning balance is provided later in this report.

#### Sustainable Development

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



- 5.1.11 A key document in facilitating the LDP Review is the Retail Facilities Study 2023. Its basic premise is to provide a baseline for the review of the settlement pattern, the community services, facilities and connectivity in each settlement in the District and to be used for future community / neighbourhood planning.
- 5.1.12 By population, Latchingdon is noted to have a relatively large population in the Maldon population hierarchy, standing at 1,408 at the time of this report. It is noted to have a school, shops, petrol station, hall, outdoor sports, nursery, post office and allotments. In terms of transport, there is an existing bus service and the village is 15 minutes away from the nearest town and railway station. Latchingdon also has land allocated for employment and external to the study, the settlement also has a public house, restaurant and church. As such, Latchingdon is viewed as one of the more sustainable villages (4<sup>th</sup> in ranking) in the District and the level of servicing is considered sufficient to allow for further development and is categorised as a 'larger village' as opposed to a smaller village in the current LDP.
- 5.1.13 As noted, the scheme also proposes to deliver additional services/infrastructure in the form of a new village centre, shop and employment floorspace that would further enhance the sustainability of the village and improve the overall scoring of the settlement. Matters of this provision, layout and design are discussed later in this report.

#### Environmental Dimension

- 5.1.14 The scheme would deliver environmental benefits, including a large amount of public open space, which includes 2.3ha of new woodland planting, 5.7ha (hectares) of meadow land, 1,300m of hedgerow and the reinstatement and enhancement of existing ponds, all of which would be available to new and existing residents. This would lead to a Biodiversity Net Gain (BNG) score of almost 65%. It would also include allotments, community orchard and the connection to and provision of walking routes. In this way, the proposal would improve opportunities for recreation, enabling and supporting healthy lifestyles in accordance with the LDP and NPPF and would also assist in responding to deficiencies identified in the Council's Green Infrastructure Study, particularly in respect of allotments. Although not shown on the indicative layout, Local Equipped Areas for Play (LEAPs) and/or Neighbourhood Equipped Areas for Play (NEAPs) can be conditioned.

#### Social Dimension

- 5.1.15 The proposals would help the vitality of the village by accommodating new residents in the settlement, creating new community facilities and green infrastructure, all of which contribute to the general health and well-being of residents. Affordable housing would be set at 40%, which is policy compliant, and the scheme would secure 15% of all dwellings as bungalows to meet the need of the elderly. In addition, 5% of all plots would be custom/self-build to meet local demand, with the remaining dwellings being market housing.

#### Economic dimension

- 5.1.16 The scheme would generate economic benefits, both short term during the construction phase and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The scheme also sets aside northern areas of the site for employment and commercial development, which will also bring employment opportunities. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity and as such, they attract significant weight in favour of the proposals.

## Latchingdon Appeal Decision

- 5.1.17 To reiterate from earlier in the report, it should be noted that the recent outline application for 160 homes to the east of Latchingdon (22/01174/OUTM - Land north of The Groves, Burnham Road), was refused at Committee on 14 June 2023 following Officer's recommendation for approval, and subsequently allowed at appeal (APP/X1545/W/23/3331398) on 6 February 2024. At the time of the Appeal, MDC had a relatively healthy 5YHLS figure of 5.97 years. The Inspector concluded that whilst there would be a clear conflict with Policies S1, S2 and S8 of the Local Plan in that the scheme would be located outside the settlement boundary in a 'smaller village' and that proposal did not lie in one of the most sustainable locations (namely, the benefits of the scheme were deemed to be substantial so as to outweigh the harms). Of most relevance to this application, the Inspector noted in the Appeal the contribution to the housing supply (both market and affordable) and the reasonable accessibility to shops and services in Latchingdon. The appeal decision is a material planning consideration and given significant weight by officers in the consideration of this application due to its timing (i.e. it is a recent decision), the location within the same village, and the similarities between the proposals in regard to dwelling numbers.

## Summary of Principle of Development

- 5.1.18 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal.
- 5.1.19 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies. Therefore the development of sites such as this outside of settlement boundaries need to be considered as to whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location for this development in close proximity and accessible to the village which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable

## **5.2 Housing Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need. This is supported through Policy H2 of the Local Plan which seeks to ensure that new housing reflects the need and demand of the District.
- 5.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing. The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings, specifically, 25-35% 2-beds and 40-50% 3-beds.

- 5.2.3 The Applicant has not submitted any details regarding the mix of the dwellings in answer to the requirements set out in the LNHA. As this is an outline scheme, this can be detailed as part of a reserved matters scheme, as well as condition requiring compliance with the above findings of the LNHA, should consent be granted.

### **5.3 Affordable Housing**

- 5.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site falls within the Maldon Central area defined under Policy H1. The requirement towards affordable housing has been set at 40% of the total amount of housing provided under Policy H1 of the LDP.
- 5.3.2 The proposal includes 40% Affordable housing provision which is policy compliant, equating to 56 affordable homes. The tenure split proposed meets the 75%/25% Affordable/Social Rented (42 properties) and Intermediate Affordable (14 properties) identified in the Local Housing Needs Assessment 2021.
- 5.3.3 The affordable units are expected to meet the Nationally Described Space Standards at reserved matters stage.
- 5.3.4 Given the increasing need for affordable housing for older people/people with a disability, the Council's Strategic Housing team requests 1-bed 2 person bungalows (semi-detached or terraced) as part of the requirement percentage of smaller affordable homes and that these are rented properties with wet rooms/showers. The exact mix, size, location and tenure of the affordable properties are to be agreed with Strategic Housing prior to Reserved Matters.
- 5.3.5 It is to be noted that the Parish of Latchingdon is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, DPAs in the East of England Schedule 7. If the Intermediate dwellings are to be provided as Shared Ownership, this restricts occupants of any proposed Shared Ownership properties from obtaining more than 80% ownership in the property. However, it is possible for the Registered Provider to remove this restriction subject to the approval of both Homes England and MDC.
- 5.3.6 Overall, Strategic Housing Services supports the application which is proposing to provide Affordable Housing at the requisite policy compliant level and as such meets the requirements of Policy H1 of the LDP.

### **5.4 Provision of Retail/Commercial and Employment Floorspace**

- 5.4.1 The proposals include a 'village centre' with an area 0.2ha allocated for a 400 sqm building (including a shop of up to 250sqm) and a further 0.2ha allocated for flexible employment/commercial space of up to 600sq.m. These are all considered to fall within the broad categorisation of Class E of the Use Classes Order and would constitute town centre uses. Given these uses, it is important to assess the location of the proposed uses in the context of the existing centre of the village.
- 5.4.2 When considering new town centre uses, they should be located as close to existing centres as possible, so that that the existing 'gravitational pull' of the centre is preserved as much as possible and the viability, vitality and general activity of the existing centre, however small, is enhanced rather than undermined.

- 5.4.3 As such, the proximity of the aforementioned uses would continue to concentrate the centre of gravity towards the historical centre of Latchingdon, albeit slightly to the south. The village centre would be enlarged with a secondary, subsidiary street, with pedestrian and cycle linkages from The Street (B1018) to the north and vehicular access via the main ingress point to the northwest of the site.
- 5.4.4 It should be noted that cumulatively, the proposals may be of a sufficient size to trigger a retail impact assessment as per the thresholds set out in Policy E2. However, the use class of the residual village centre has not been defined and such as use may fall outside of Class E come reserved matters stage. Even so, trade would likely be limited to local or passer by trade given the relative isolation of Latchingdon, so any impacts on the major centres of Maldon and Heybridge and Burnham on Crouch would likely be negligible.

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

- 5.5.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. Indeed, good design is fundamental to high quality new development and its importance is reflected in the NPPF, particularly in this instance, paragraph 135 whereby planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.5.2 Furthermore, the basis of Policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;

- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.5.3 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

#### Layout

- 5.5.4 It is first important to acknowledge that the historic form of the village of Latchingdon is broadly linear, following the B1018 (The Street and Burnham Road). Notwithstanding, there has been recent modern developments to the east and south that has disrupted this pattern of development and the recent appeal decision at Land North of The Groves Burnham Road (APP/X1545/W/23/3331398 and 22/01174/OUTM), has pushed development further east the historic core of the village. As such, it is important to view the layout of the scheme and its impact on the identity and legibility of Latchingdon.
- 5.5.5 From the outset, it should be reiterated that the existing character of the site comprises arable fields located to the south of the village. There are linear rows and hedgerows on the periphery and extending to the centre of the site. Yet, the site lies outside, but immediately adjacent to the southern and eastern boundary of the built form of the village. As such, its rural character and contribution to the wider landscape setting is somewhat diluted.
- 5.5.6 In light of the site's agricultural setting, the Applicant is proposing to buffer the development form with substantial planting and green space, as well as open space. This would screen much of the development from surrounding views and offer a softer edge for the built form.
- 5.5.7 Indeed, in terms of the built form, the Parameters Plan illustrates that this would be concentrated in two distinct parcels: the larger segment of the site that incorporates the lion's share of the dwellings located to the east and a smaller section to the west, adjacent to the access. This is owing to a stream dissecting the site to the western end, with parts of the surrounding field being located in Flood Zones 2 and 3. It should be noted the indicative plans illustrate these flood zones devoid of built form, save for the connecting road and some residual open space and foliage, as well as a tributary leading to a proposed swale to the east.
- 5.5.8 Taking a further in depth look at the indicative layout, the Applicant is proposing to locate the new village centre and flexible employment space to the north of the site, closest to the existing linear commercial core of the settlement that runs along The Street, as illustrated in the submitted Parameter Plan. Whilst its location is not on the main thoroughfare, it is located towards the central core area and the general 'gravitational pull' of the centre of the settlement.

- 5.5.9 Two pedestrian links would be provided to link both together, as well as vehicular access to the northwest. The Parameter Plan shows the access road would continue meandering through the site and branching off into various offshoots to serve the respective properties earmarked by the proposed development parcels. This is acceptable with a more detailed appraisal of the design of this provision to be reviewed at reserved matters stage in the context of the wider delivery of housing and open space, should consent be granted.

#### Design, Scale and Density

- 5.5.10 As the application is made in outline, only an indicative limited assessment can be made in terms of design and scale of the development at this stage. Notwithstanding, the application is accompanied by a Design and Access Statement (DAS) that provides an indicative overview of a forthcoming scheme via reserved matters, should outline consent be granted.
- 5.5.11 In terms of scale, design of buildings and materials, this outline application includes a detailed DAS which sets out how the layout and design principles will be addressed in future development of this site. A degree of detail is provided by the DAS, with preliminary elevations and street scene provided, showing two storey semi-detached and terraced dwellings incorporating weatherboarding, chimneys and lean-to's, all of which would be welcomed from a design perspective. This is considered acceptable in principle given the proximity to the rural countryside and facilitate an appropriate transition between countryside and the village. No details for the employment land and local centre have been submitted. Nonetheless, all detailed design matters and scale be dealt with via reserved matters, with an expectation that this would not breach two storeys in height given the surrounding context.
- 5.5.12 The resultant development, when assessing in the context of the overall site size, would deliver at density of approximately nine dwellings per hectare. However, when assessing net density as set out in the MDDG which looks at the land allocated to residential development only as outlined in the submitted Parameters Plan, this increases to approximately 20 dwellings per hectare. As this is at indicative stage, this is considered an acceptable level of density given the site's countryside and edge of settlement context. As such, overall it is considered that there is sufficient space to deliver the dwellings, employment space and supporting infrastructure at a density that is acceptable given the surrounding village character and rural environment.

#### Impact on the Character and Appearance of the Area

- 5.5.13 The development would inevitably result in the loss of open agricultural land and would enlarge the village but as the site is relatively flat and contained given the presence of built form to the north and east, the perceived impact on the settlement and its character is lessened and reduced to impacts from further afield that are assessed in the accompanying Landscape Visual Impact Assessment (LVIA), the findings of which are assessed later in this report.
- 5.5.14 Overall impact on the character and appearance of the area, including the landscape would be minimal given the site being partly enclosed by existing development to the north and east. Moreover, whilst there would be some urbanisation of the countryside, land is relatively flat, nondescript and unremarkable, with no tangible landscape features. As such, the site would be an obvious and logical location for housing, in the first instance as the impacts on the character and appearance of the area would be minimised given the context.

5.5.15 Notwithstanding, whilst indicative, the proposals show how the scheme would provide significant additional landscaping, including the planting of native species of trees and additional hedgerows, as well as an area of woodland and a substantial area of public open space. The landscaping would provide a high quality setting to the new development, and because of the extensive proposed perimeter planting, would provide a softer edge to the village, compared with the existing situation given the proposed extent of buffer planting.

5.5.16 Given the above, the proposal complies with relevant parts of policies D1 and H4 of the Maldon LDP concerning the character and appearance of the area.

## **5.6 Access, Parking and Highways**

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

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

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

5.6.4 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.6.5 This application is submitted with all matters reserved, save for access and as such, the matter of access is considered in detail as part of this application. Other matters such as the internal site layout, including car and cycle parking provision, delivery and servicing and emergency vehicles access, will be addressed via subsequent reserve matter applications should outline consent be granted.

5.6.6 The application is supported by a Transport Assessment (TA) prepared by Markides Associates which includes details of the access, visibility splays and trip rates as well as Stage One safety audit and other requirements.

### Access

5.6.7 Turning to access, the main access road which would incorporate vehicular access, would be located to the northwest of the development, leading onto The Street, located to west of Sharps Farm. The plans indicate that the vehicular ingress/egress point will take the form of a bell mouth priority junction, which will not be signalised. It

will also include one 2m pedestrian footway to the eastern side of the access, which will connect to The Street and extend to form a bridge over the stream that runs under Cold Norton Road/The Street. The majority of the proposed pedestrian works are within the application boundary, save for the proposed bridge and further connection eastwards towards the existing pavement on the southern side of Latchingdon adjacent to the access at Sharps Farm.

- 5.6.8 The proposed access has been the subject of a Stage 1 Road Safety Audit, with some issues identified at the preliminary stage in relation to drainage, vehicle tracking and visibility splays and speed survey, all of which would be dealt with at reserved matters stage when detailed layouts are designed. On the latter point, it is noted that the speed limit reduces from 40mph to 30mph a short distance east of the proposed development access on its entry into Latchingdon. This has been acknowledged by the Applicant, and it is proposed to relocate the change in speed limit west, to encompass the site access as highlighted by Highways in their response. However, it should be noted that should the speed limit remain unchanged, the proposed site access achieves visibility requirements in accordance with the 40mph speed limit, which includes tolerances for vehicles driving faster than 40mph. Indeed, visibility splays of 2.4m x 120m can be achieved in each direction, based on the 40mph speed limit of the B1018 along this frontage following the removal of existing hedgerow and therefore, changes to the speed limit location are not deemed necessary but nonetheless, it has been formally requested. In any case, Essex County Council (ECC) Highways have raised no objection to the proposed access location and design and as such, there are no concerns in principle subject to conditions.
- 5.6.9 Turning to pedestrian and cycle accesses, these would utilise and enhance existing PRow no's 8 and 10 between no's 43 and 45a and 61 and 63 The Street respectively. The latter route would be an 'active travel link', of a minimum of 3.2m wide with gated access to prohibit vehicle access. However, it would be managed to facilitate emergency access or agricultural vehicle access for vehicles accessing fields to the south. Both links provided to connect the development to the centre of Latchingdon village, including the provision of Class E uses and improve permeability more generally. These routes that are currently rudimentary in nature will be upgraded as part of the development, subject a comprehensive package of improvements to the PRow network, that would encompass PRow's 7, 8 and 10 via condition.
- 5.6.10 Regarding the internal layout and access, whilst the Parameters Plan provides an outline of their extent and location, precise details would be subject to a reserved matters application, which would need to comply with guidance contained within Manual for Streets/Essex Design Guide, incorporate turning heads for bin collection and fire access distances, as well as visibility measures to reduce vehicular speeds. This has been accepted by ECC Highways and no issues arise.
- 5.6.11 Overall, no objection is raised by ECC Highways in respect to access. However, a number of conditions are requested should consent be granted including final visibility splays, access details, pedestrian footways and PRow's and other further detailed conditions.

#### Highway Capacity

- 5.6.12 Overall trip rates from the 140 dwellings, which include are envisaged to be 683 per day according to the submitted Transport Assessment, with notable concentrations in the AM (79) and PM (72) peaks (two-way).



- 5.6.13 Looking at commercial/retail trip rates, cumulatively these come to 395 two way trips per day per 250sq.m of floorspace offering, with no notable AM or PM peak. It is anticipated however, that a large majority of these trips will be pass-by/incidental trips associated with traffic movements already using the B1018, so additional traffic generation is reduced to 110 vehicles. Trip rates from employment provision are considered to be negligible, at 8 two way trips per 100sq.m. Given the proposed provision of 750sq.m, this would equate to 63 total per day with no discernible peaks.
- 5.6.14 Turning to capacity on the B1018, the report concludes that the access will operate comfortably within capacity. When taking in account growth factors (TEMPRO) up to the year 2030, a junction capacity assessment for the Maldon Road/The Street junction (located to the northeast of the proposed access of the development) has been undertaken. It concludes that even when considering other committed developments in the area, the junction only sees a marginal increase in queuing by fractions of car lengths at different approaches.
- 5.6.15 ECC Highways have reviewed the trip rates and highways capacity data and whilst some of the trip distribution figures are not entirely agreed with, ultimately it does not object to the proposals and highways officers are satisfied that there would not be a severe impact on the local highway network or highway safety within the context of the NPPF paragraph highlighted above.

#### Travel Plan

- 5.6.16 A Framework Travel Plan has been submitted with the application to encourage more sustainable modes of transport. It includes measures such as travel packs about the surrounding area, rail and bus timetables, information on car clubs and bicycle user groups, car sharing and support groups, as well as details and responsibilities of an appointed Travel Plan Coordinator.
- 5.6.17 The basics of the Travel Plan (TP) are accepted by ECC Highways but a condition requiring a final TP is to be attached should consent be granted. A further condition requiring the implementation of a Residential Travel Information Pack for sustainable transport would also be attached.

#### Parking

- 5.6.18 The Council's adopted Vehicle Parking Standards SPD (the VPS SPD) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. Policy D1 (5) requires development to provide safe and secure car and cycle parking having regard to the VPS SPD and Policy H4 (density (5)) refers to developments having regard to parking standards.
- 5.6.19 The matter of parking would be considered at reserved matters stage. In light of the need for two and three-bedroom dwellings in Maldon highlighted earlier in this report, it is considered that each dwelling should be allocated at one parking space for each two-bedroom dwellings and two spaces for each three-bedroom dwelling. Also, as the development is for more than 10 dwellings, visitor spaces should be provided in accordance with the VPS. Commercial uses are assessed separately in accordance with the VPS.
- 5.6.20 It is considered that there is ample space to accommodate parking for residential and visitor parking, as well as the proposed commercial uses. As such, the development whilst at Outlines stage, accords with the VPS and associated LDP policies.

## Conclusion

- 5.6.21 Overall, no concerns are raised by ECCH on highways and access matters and as such, the development complies with Policies T1 and T2 of the LDP and the NPPF more broadly.

## **5.7 Landscape Visual Impact**

- 5.7.1 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes.
- 5.7.2 The basis of Policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution, specifically in terms of landscape setting and the natural environment.
- 5.7.3 LDP Policy N3 clearly seeks to prevent development that would result in the loss of, or negatively impact upon, public rights of way or any space / facility contributing towards the integrity of the green infrastructure network.
- 5.7.4 The site falls within the Tillingham and Latchingdon Coastal Farmland (E2) as defined in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (LCA) prepared by Chris Blandford Associates, 2006. The LCA states that the key characteristics of the landscape area are its gently undulating farmland behind marshland, agricultural fields enclosed by woodland patched or long hedgerow boundaries, historic field patterns and settlement patterns following underlying soils.
- 5.7.5 Within the above context, the site is contained by existing residential development to the north and east and established vegetation at the remaining boundaries, including some mature trees. However, given the relative openness of the site and the site being located in the open countryside, the impact on views is an important consideration. As such, the Applicant has submitted a LVIA that analyses the impacts on local and distant views.
- 5.7.6 From the outset, it is important to note that the development would inevitably result in the loss of open agricultural land and some degree of urbanisation of the countryside. However, the site is relatively flat and when reviewed from various vantage points to the south, is perceived in the urbanised context of the existing modern settlement edge to the north and east. In addition, perceived impacts would reduce over time as planting matured.

## Landscape Visual Impact Assessment

- 5.7.7 The LVIA provided in support of the application acknowledges that the proposed development would change the character of the site. However, it also concludes that the proposal would not significantly alter the character of the local or wider areas of the Tillingham and Latchingdon Coastal Farmland LCA and that few views would be affected by the proposals other than from public footpaths within and adjacent to the Site.
- 5.7.8 The LVIA concludes that overall, the site is assessed to have a medium-low landscape value in terms of its landscape character and condition and offers little by way of distinction given the surrounding context. Similarly, the Site's susceptibility to the type of development proposed assessed to be medium-low and this is the same

for its overall sensitivity (medium-low). The LVIA also establishes that the most significant impacts on local views would be in views from public footpaths to the south (Footpaths 8 and 10). It is anticipated that very minor elements of the site would be visible from long distance views. The report states that the proposed tree and hedgerow planting would provide appropriate mitigation to filter and soften views of the development and that this planting would contribute towards a strengthening of the local landscape structure. The concluding impacts on the landscape character following enhancements would be slight-moderate and beneficial.

#### Review of Landscape Visual Impact Assessment

- 5.7.9 An independent review of the LVIA was undertaken by Wynne-Williams Associates. The review of the LVIA concluded that the assessment accords with relevant legislation and policy but the findings often understate the impacts on views and in places, exaggerates the positive landscape and visual effects and the associated mitigation. Attention is drawn to the landscape effects and the connotation that the development would be beneficial from localised views, which are questioned by the independent consultant and instead, the landscape effects for the site itself to be 'moderate adverse' by Year 15, with 'slight adverse' effects predicted for a localised portion of LCA E2 close to the site. It is acknowledged however, that this impact is limited geographically to the immediate vicinity.
- 5.7.10 Notwithstanding the downplaying of the impacts of the development in the LVIA, the assessment concludes that whilst the change to residential and commercial development is substantial given the existing agricultural context, the impacts are limited in its geographical extent and the site does have capacity to accommodate the development. The assessment provides some commentary regarding enhancements and planting that can ameliorate the impact of the development and these can be digested by the Applicant and can form part of a reserved matters application should consent be granted.
- 5.7.11 Turning to a conclusion and assessing both the LVIA and external findings, it is officers' opinion that whilst the LVIA may be hyperbolic with regards to the benefits in the context of the requirements in LDP policies S1 and S8 to protect the countryside for its intrinsic character and beauty as well as landscape, the impact is still considered low and localised. It should be noted that the LVIA includes an assessment of private views from the rear of those properties that face onto The Street. Whilst their inclusion in a LVIA report may be warranted given the Residential Visual Amenity Assessments are undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA3) [3], the ramifications of which as assessed by Wynne Williams Associates cannot be taken into account in the planning sphere, as there is no statutory right to a view in planning. As such, only private visual amenity can be taken into account, whereby impacts arising would need to be shown to be overwhelming and/or inescapably dominant as to impact on prospective living conditions, leading to an assessment against relevant policies regarding residential amenity (assessed later in this report). The key impacts as assessed by Wynne Williams Associates, therefore turn to Footpaths 8 and 10 and the southern boundary.
- 5.7.12 Overall, the Parameters Plan makes considerable allowance for up to 2.3ha of woodland creation and a further 5.7ha of meadowland and tree and shrub planting, the details of which would be kept for reserved matters stage. In detail, the Parameters Plan illustrate that the landscape enhancement measures are be delineated predominantly on the peripheries of the site, with the majority to the western end of the site, where existing mitigating built form is limited.

- 5.7.13 It is noted that screening would also be proposed to the southern boundary which is a key assessment as noted by Wynne Williams. The proposed woodland belt in this location is noted to be effective at mitigating impacts from longer distance views, although it is suspected that there may still be glimpsed views of the dwellings at certain vantage points. However, this impact is still assessed as neutral.
- 5.7.14 The enhanced PRowWs would also benefit from tree and hedgerow planting, with Footpaths 8 and 10 incorporating planting at one side of the respective pathways. The impact noted is considered to be moderate adverse by Year 15 after the development is completed. Whilst the aforementioned tree belt to the southern border is welcomed to mitigate impacts from longer views, concerns are raised regarding Footpath 7, whereby it is screened on both sides by tree planting, hedgerow and ditch. Instead it is suggested that screening should concentrate on the northern side of this footpath to continue to facilitate views southward and to ensure that the character of this path can be somewhat retained.
- 5.7.15 Assessing further to areas that are not contested, the northern boundary of the site fronting onto The Street would be retained for the most part, save for the access itself, which would be mitigated by compensatory grassland, at the ingress/egress point and further tree planting a short distance with SuDS feature and there are no concerns arising in this respect. Other boundaries would be treated with landscaping as appropriate and again, no issues are arising. Further landscape improvement works are proposed within the site, concentrating on the main thoroughfare through the site with both woodland and meadowland planting. All approaches are deemed acceptable.
- 5.7.16 The above strategy and overall provision of tree and hedge planting and meadowland would ameliorate impacts on localised views. Whilst some concerns arise as to the treatment and screening of Footpaths, 7, 8 and 10 amendments are/or further mitigation can be delivered at reserved stage. Within this context, there is no evident reason for refusal arising from the LVIA and accompanying Parameters Plan and considering this is an outline application, it is rational to allow for mitigating landscaping details to be submitted subsequently via reserved matters.
- 5.7.17 As such, for the above reasons in accordance with the relevant provisions of LDP policies S1, S8, and N3 the development is considered to have an acceptable adverse impact on the rural character and openness of the countryside.

## **5.8 Provision of Public Open Space and Landscaping**

- 5.8.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.8.2 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 5.8.3 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that: *"The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests*

*(currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development”.*

- 5.8.4 MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.
- 5.8.5 Paragraph 131 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Also it refers in paragraph 135 (e) to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 5.8.6 The application is submitted in outline but the Parameters Plan illustrates the layout of the scheme, including the provision of public open space. In all, a substantial level of open space is provided, in part due to the need to mitigate the visual impacts of the development as highlighted earlier in this report.
- 5.8.7 The types of public open space provided is separated into two distinct types including woodland planting and natural grassland/meadowland with sparse tree planting. Moving from west to east, the separate western parcel of built form would have open space, including a SuDS feature, located to the central and eastern area, linking to the existing stream. The lion’s share of provision would wrap around the main segment of the development proposals to the west and would act as screening / buffering from the surrounding rural countryside. Moving to the central area of the site, a triangular-shaped central area of open space is provided as well as smaller area to the south around a pond. At the eastern end of the site, open space is concentrated on the eastern boundary to buffer existing dwellings and this links to the open space provision on the northern boundary by pathways, which in turn link back to the western provision of the main development parcel, including another integrated SuDS feature. The northern boundary public space would be accessed via the PRowS 8 and 10 from the Street and from there, is designed to link into the wider offering.
- 5.8.8 Quantitatively, the delivery of for up to 2.3ha of woodland creation and a further 5.7ha of meadowland would offer each dwelling over 0.05ha of open space (578sq.m) in addition to the private garden spaces that would come forward. Nevertheless, it is important to highlight that as this would be publicly accessible space, it would be open to other residents of Latchingdon, accessed via enhanced PRowS and the proposed vehicular and pedestrian access to the west.
- 5.8.9 This level of generous open space offering, its location and the different types proposed being both native woodland and open meadowland offers an opportunity to secure high quality open space via condition. Indeed, details are not included within the Parameters Plan or other plans as submitted but the DAS makes reference to a children’s play area to the south of the development. It is considered that there is sufficient space within the site to accommodate such a facility and it would be more prudent to determine the remit and location the children’s play area at a later stage to ensure the most apposite delivery.

- 5.8.10 More broadly, when reviewing the Landscape and Green Infrastructure (including Open Space, Sport and Play Facilities, Biodiversity and Trees) (2017) Technical Guide, which is a subsidiary document to the MDDG, specific reference is made to Latchingdon and the potential to create new accessible greenspaces and to improve connectivity between semi natural greenspaces. The delivery of the proposed open space would assist in achieving that aspiration, with necessary details to be secured via condition.
- 5.8.11 In light of the above assessment, the provision of open space in this instance is considered to be an extensive offering and of high quality subject to conditions. It is considered to be consistent with the wider aspirations in Latchingdon and as such, accords with Policies D1 and N3 of the LDP, the MDDG and The South Maldon Strategic Masterplan Framework.

## **5.9 Impact on Residential Amenity**

- 5.9.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). In addition, LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted MDDG SPD advises a suitable garden size for each type of dwelling. LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

### Existing Amenity

- 5.9.2 The application site lies adjacent to a number of dwellings to the north and east and their associated garden amenity areas. The Parameter Plans point towards the provision of a green buffer area that would preserve existing amenity of residents from The Street that would have amenity spaces backing on to the development. Similarly, those units on Buchannan Way, St. Michael's Close and Snoreham Gardens to the east would be unaffected.
- 5.9.3 Other existing residential properties that may be affected by the proposals are those located on The Street, close to the main access point, owing to increased traffic entering and leaving the proposed development, which in turn may lead to a general increase in noise and disturbance.
- 5.9.4 However, when assessing in detail, the proposed access is relatively centrally positioned within the western parcel of development. Moreover, it is almost equidistant between the nearest affected properties, being 80m from the boundary of Lyndale to the west and 60m from no.1 The Street to the east, the latter of which is also buffered by the entrance to Sharps Farm. When taking into account the aforementioned trip rates, whilst on the surface this would appear substantial, it should be noted that many of the trips would be concentrated in the AM and PM peaks for residential and would be incidental in the context of the commercial development and would already be on the network. Traffic speeds would also be low and there would not be any significant increase in the potential for users of the road to impact on privacy of these properties given the separation distances from the junction.
- 5.9.5 Noise and general disturbance from the proposed dwellings is considered low in this instance and appropriately buffered at all sides with landscaping and foliage.

- 5.9.6 Concerns have been raised by third parties in relation to noise, dust and light pollution. Whilst there would be some disturbance during construction, this could be managed through a condition requiring a Construction Management Plan as recommended by the Environmental Health Officer (EHO) and if considered to be necessary a condition could be imposed to control lighting.

#### Prospective Amenity

- 5.9.7 As the application is made is outline, no assessment of prospective residential amenity spaces can be made and instead this would be assessed at reserved matters stage, including compliance with the National Design and Specification Standards (NDSS), garden amenity space and separation distances etc.
- 5.9.8 However, the Applicant has submitted a Noise Assessment with the application and has looked at noise levels from Sharps Farm from two locations: one being within the working yard adjacent to The Street and a further being within the centre of the existing field that is the subject of this application. The results indicate that the background noise climate was dominated by noise from the surrounding countryside, and very distant road traffic noise. As such, the only measures required are a robust glazing specification for all dwellings that would assist in meeting the relevant noise standards (BS8233:2014) and no further mitigation is required, including to external garden amenity areas. The Council's EHO has raised no objections to the findings.
- 5.9.9 In all, the proposed Parameters Plan layout is sufficient to demonstrate that there is satisfactory space within the site for these requirements to be met with specific details to be determined at reserved matters stage. No tangible concerns arise regarding the impact on existing residential amenity. As such, the proposals accord with policies D1 and H4 of the Maldon LDP.

### **5.10 Flood Risk and Drainage Strategy**

- 5.10.1 Paragraph 170 of the Framework directs inappropriate development in areas at risk of flooding away from areas at highest risk.
- 5.10.2 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.10.3 As an overview, the site is predominantly located in Flood Zone 1, with a large stretch of the site towards the north and west within Flood Zones 2 and 3. Intermittent areas of the site are also subject to surface water flooding. As such, both the Environment Agency and the Lead Local Flood Authority (LLFA) have been consulted as part of the application process.

#### Recent Appeal

- 5.10.4 Before the matter of a Sequential Assessment is explored, it is important to recognise that there has been a recent appeal (APP/V2255/W/24/3350524 - Land at Ham Road, Faversham, Kent) that was determined 27 June 2025, whereby the matter of the sequential assessment was explored. The appeal centred on 250 dwellings, of which 20 would be within flood risk area as well as the access road. The proposal was submitted without a Sequential Assessment and was ultimately refused by Swale Borough Council, for reasons including the lack of a sequential assessment, the character and appearance of the area and the loss of Best and Most Versatile agricultural land (BMV) and the absence of a S106 legal agreement.

5.10.5 At appeal, the Inspector concluded that given less than 10% of the proposed homes would be in areas at risk of future flooding and the land changing measures that could come at detailed design stage such as raised road surface, small flood barriers etc. could be incorporated and controlled by conditions as necessary, there was no 'real world' harm from the failure to undertake a sequential test or from surface water flooding, as it was satisfactorily demonstrated that mitigation measures could make the proposed development safe for its lifetime. Whilst the face value conflict with the NPPF and local policy remained, if the proposed mitigation works would mean that no areas of the proposed development in its final form would be at risk of flooding in the design flood event, or from surface water.

#### Sequential Assessment

5.10.6 As such, it is important to review the application within the above appeal context. It is important to reiterate that the objective of the Sequential Test is to steer new developments toward areas with the lowest probability of flooding. Where there are no reasonably available sites in lower flood risk areas, Local Planning Authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites.

5.10.7 It is important to underscore that no proposed dwellings or other development parcels would be in flood risk areas, with the only part of the access road to the west dissected by Flood Risk Zones 2 and 3. Originally, the Applicant did not submit a Sequential Test as part of the application and instead, took the same approach to the Sequential Test taken by the Council when assessing the site in the Housing and Economic Land Availability Assessment October 2023 (HEELA), discounting the areas in zones 2 and 3 for development but not the wider site. It should be reiterated that the Parameter Plan submitted as part of the application avoids the built form in those areas categorised as Flood Zone 2 and 3. These areas will be utilised to facilitate access, some degree of open space/landscaping and the provision of a swale feature.

5.10.8 On review, whilst the above approach was deemed merited, Officers were not convinced that this was not sufficient to justify the development at hand: the development is proposed as a whole and is not severable and the proposed access road would, by itself, trigger the need for a sequential test. As such, the Applicant subsequently submitted a Sequential Assessment that primarily focussed on potential development areas within Latchingdon, Woodham Water, Woodham Mortimer, Hazeleigh, Mundon, Cold Norton, Stow-Marles, North Fambridge, Althorne, and part of Mayland. No sites in the LDP were identified.

5.10.9 Whilst the above approach by the Applicant was merited, Officers considered this to be insufficient to address the Sequential Assessment approach and widened the search to focus on the main hierarchy of settlements in the LDP, including Maldon, Heybridge and Burnham-on-Crouch. The associated allocated sites in the LDP (S2a – S2k) have either been subject to planning applications, currently under construction, already developed or have infrastructure issues that mean that they are unable to come forward. Following a further sieving exercise by officers, there are several sites of note that should be highlighted in greater detail:

- S2b – subject to planning application 15/01327/OUT and was granted permission in December 2022. The permission is still extant, and the site is therefore considered unavailable; and
- S2h refused permission via 16/00154/FUL for several reasons, including viability and a replacement football facility for Heybridge Swifts. No further



applications have been forthcoming and until a suitable alternative site for the stadium is identified and permitted, the site is considered unavailable.

- 5.10.10 Given the above, it is therefore concluded that there are no development parcels that are deliverable in the LDP for housing.
- 5.10.11 Notwithstanding, the Applicant has also reviewed the local market to ascertain if there are any developments that are currently marketed in Maldon that could conceivably accommodate the development at hand, using Landstack, a professional land database. Their search concluded that there are no sites currently being marketed for residential development within the defined 'Rural South' search area close to the site. Further afield, Only two significant residential or mixed-use development sites were identified across the entire Maldon District being:
- Land to the south of Creeksea Lane, Burnham on Crouch - marketed by Lambert Smith Hampton. However, it is explicitly promoted for commercial use (B1/B2/B8) as an extension to the Burnham Business Park, is allocated as such in the Local Plan and is therefore considered unavailable; and
  - Land to the rear of 50-58 London Road, Maldon - marketed by BNP Paribas Real Estate, located within the Maldon Conservation Area and was subject to a refused planning application in 2015 for 66 dwellings (ref: 15/00183/FUL) with a subsequent appeal being withdrawn. Site constraints and size mean that it is not considered a viable alternative to the application site.
- 5.10.12 In light of the above search, there are no suitable alternative sites on the open market that are considered suitable and available to accommodate the development.
- 5.10.13 When taking the above in context, it is important to recognise that from the outset that given that built form is placed elsewhere on the site, the Applicant maintains that a sequential assessment to ascertain if there are sequentially preferable sites within the vicinity is not required in this instance. The aforementioned appeal underscores that whilst the failure to provide a sequential test from the outset may be considered a reason for refusal in principle, a real world view must be taken. Moreover, in this instance, no dwellings would be located within designated flood risk areas and only part of the access would be situated as such, which is unavoidable to deliver the site. Even so, the access road is considered a 'less vulnerable' part of the development as noted in the NPPG Flood Risk Vulnerability Table and there is provision for separate emergency vehicle access via the northeast of the of the site from The Street, between no's 61 and 63 in the event of flooding of the main access road.
- 5.10.14 Even in applying a more cautious approach in this respect as Officers have done, in reviewing other alternative sites in the LDP as well as others that are currently openly marketed, there are no suitable alternatives to the application site. As such, it is considered that even with the lack of a formal sequential assessment, there are no real world effects as a result in granting permission from a flood risk perspective and any land modification measures can be addressed at reserved matters stage as necessary.

#### Drainage Strategy

- 5.10.15 Following some toing and froing between the Applicant and the LLFA regarding specific calculations set out in the FRA, the final version of the FRA has been agreed.
- 5.10.16 Turning to the detail, surface water from the development would be attenuated within attenuation basins that are dotted around the site, prior to discharging into the

Sharps Farm Brook. The system, the details of which would be reserved via condition, would incorporate discharge rates to the equivalent 1 in 1 year greenfield runoff rate for all events up to and including the 1 in 100-year event (with 45% allowance for climate change). This has been accepted by ECC's Drainage Team as the LLFA subject to the satisfactory discharge of condition. Maintenance of the system, including management company and schedule, would also be reserved for condition.

- 5.10.17 Linked to the above matter of the Sequential Test and additional flood risk management measures, recognising the partial designation of the site in Flood Zones 2 and 3, finished Flood Levels will be set 300mm above the 100yr + 25% climate change level. Access and egress routes will be available at all times through either the main access or the emergency access (pedestrian/cycle access) on the north-eastern corner of the site.

#### Environmental Agency and Other Objections

- 5.10.18 Somewhat linked, despite Anglian Water's objection (discussed later in this report), foul water would flow from the development to the sewer under the B1018, to the north of the site, again with details coming forward at conditions stage.
- 5.10.19 In all, the LLFA have confirmed that the proposal is acceptable in drainage terms subject to conditions. The proposal therefore accords with LDP policy D5 and related relevant provisions of Section 14 of the NPPF.

### **5.11 Heritage and Archaeology**

- 5.11.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the setting of listed buildings.
- 5.11.2 LDP policy D3 gives great weight to a heritage asset's conservation and that where development affects a heritage asset it should 'preserve or enhance its special character, appearance and setting'.
- 5.11.3 The site is not within a Conservation Area but does form part of the setting to several listed buildings including the Red Lion Public House, Chestnuts, Anchor Cottage and Christ Church, all of which are Grade II listed. As such, a Heritage Impact Assessment has been submitted with the application.
- 5.11.4 Following a review by the Council's Conservation Officer, no impacts are envisaged. The scheme, although in outline and at an illustrative stage, incorporates a green buffer between existing development fronting The Street and the proposed new dwellings to the south within the site, ensuring that any potential glimpsed views between the settings of the heritage assets and the proposed new dwellings are minimised. The Council's Conservation Officer raises no objections and therefore it is considered that the proposal accords with relevant requirements of LDP policy D3 and Section 16 of the NPPF.

#### Archaeology

- 5.11.5 Given the site's location to the south of the route of the possible Roman road to Othona (EHER 7838), it is considered that the proposals have the potential to impact on archaeological remains and indeed, there has been an archaeological find to the south of the site, pertaining to Late Iron Age activity. Further afield, there are several

medieval and post-medieval sites and it is reasonable to assume that the site has potential for Prehistoric and Roman periods to be encountered.

- 5.11.6 In light of the site's potential, ECC Place Services have requested two conditions be attached to any consent, requesting a further archaeological assessment and an archaeological fieldwork programme should consent be granted. The work would include trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified and be overseen by a professional recognised archaeological contractor.

## **5.12 Biodiversity and Nature Conservation**

- 5.12.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.
- 5.12.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 5.12.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that any development which could have an adverse effect on sites with designated *features*, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.
- 5.12.4 Policy N2 of the LDP states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance"*. Conservation and enhancement of the natural environment is also a requirement of the NPPF. Conservation and enhancement of the natural environment is also a requirement of the NPPF
- 5.12.5 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that: *"The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development"*.

### Ecology

- 5.12.6 An Ecological Impact Assessment and assessment of potential impacts on Great Crested Newts have been provided Natural England (NE) and ECC Ecology have both confirmed that these demonstrate the proposals are acceptable in terms of their impact on ecology and that the proposals will result in a net gain in biodiversity

subject to provision of the mitigation measures identified in these assessments, which can be secured by conditions as is recommended.

Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast RAMS

5.12.7 The application site falls within the Zol for one or more of the European designated sites (The European designated sites within the Maldon District are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site). The combined recreational Zol of these sites cover the whole of the Maldon District.

5.12.8 A proportionate financial contribution towards visitor management measures will also need to be secured from the developer in line with the Essex Coast RAMS (£163.86 per dwelling in line 24/25 tariff) for delivery prior to occupation, to be secured by planning obligation. This is necessary to avoid adverse effects upon the coastal Habitats Site from recreational disturbance in combination with other plans and projects.

Biodiversity Net Gain (BNG)

5.12.9 The target biodiversity net gain for this project is 10% as set out in the in the Environmental Act (2021).

5.12.10 With regards to these requirements, the proposed provision of generous areas of new planting, landscaping and public open space provide very good potential for achieving biodiversity net gain. In total, the development would achieve a 64.85% increase in habitat units from 37.64 to 62.05. This is a substantial increase and is considered acceptable.

Trees

5.12.11 An Arboricultural Survey Report and Arboricultural Impact Assessment (AIA) have been provided in support of this application. The results conclude that the site mainly contains Category C and U trees/groups of trees, the lower bands in the classification, of which some are either dead or moribund. There are no Tree Preservation Orders on the site.

5.12.12 It should be noted that many of the trees assessed as part of the report were offsite but lying immediately adjacent to the application boundary. There were two Category B trees identified, albeit offsite, that are proposed to be retained given their landscape value. Indeed, it is proposed that all those trees or groups of trees that constitute the main arboricultural features of the site will be retained, with only partial removals of trees G7, G11 and G12, which are noted to be off low arboricultural quality in any case.

5.12.13 The Council's Tree Consultant has reviewed the submitted report and holds no objections subject to a further condition regarding tree retention, protection, implication and method statement.

## 5.13 Other Environmental Matters

### Water Recycling

- 5.13.1 Anglian Water have objected to the application. The development is in the catchment of Latchingdon Water Recycling Centre (WRC) which Anglian Water have confirmed does not have the capacity to treat the foul waterflows from the proposed development. The network constraints draining to Latchingdon WRC, are essentially that any development in a flood risk area or requiring sewerage to traverse a flood risk area is a significant constraint given capacity issues. It is understood that Anglian Water currently have no plans to upgrade foul sewage capacity for Latchingdon as part of their Asset Management Plan (AMP) 2025-2030.
- 5.13.2 The above position was reiterated as part of the Maldon District LDP Review Growth Options 2025 that went to the extraordinary, Council meeting on Tuesday 17 June 2025. The paper concluded that Latchingdon is not considered a suitable location for any large strategic allocations at this time.
- 5.13.3 Notwithstanding the above, whilst local resident's concerns regarding this are understandable, Anglian Water are obligated to accept the foul flows from any development with the benefit of planning consent. Indeed, the NPPF states in paragraph 201 that: *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*.
- 5.13.4 Therefore, although there is currently insufficient foul drainage infrastructure in place to serve the development, this current lack of capacity does not preclude the development or constitute a tenable reason for refusal. This is, however, subject to the recommended condition requiring the submission and approval of a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network.

### Loss of Agricultural Land

- 5.13.5 LDP policy D2 states at part 11) that development must take into account the economic and other benefits of preserving the best and most versatile land and that where possible poor quality land should be prioritised over higher quality land. Whilst the NPPF also requires planning decisions to recognise the economic and other benefits of BMV agricultural land, it does not require an assessment of alternatives for planning decisions.
- 5.13.6 NEs Agricultural Land Classification map for the Eastern Region (ALC008) shows the whole of Latchingdon (and surrounding land) as Grade 3 agricultural land. The majority of the District is also classified as being grade 3 BMV land and there is only a small amount of land in grades 1 and 2 in the District concentrated in the east. There are only small pockets of grade 4 and 5 land, which are unsuitable for development due to their protection by statutory designations, coastal location, or flood risk.
- 5.13.7 For the above reasons, whilst the site is entirely in grade 3, whilst sizeable, the potential loss of 14.2ha of the site from agricultural use is not considered to form a tenable reason for refusal.

## Noise

- 5.13.8 The application is supported by a Noise Assessment (January 2025). Although the layout will be determined at reserved matters stage, the proposals include provision of a commercial area, retail and flexible floorspace in excess of 1,000sq.m, indicative plans illustrate sufficient buffer space so as to protect residential amenity.
- 5.13.9 The EHO has advised that external noise level are likely to comply with the upper design target of 55db. However, to ensure this is the case conditions are required, including for additional noise reports and mitigation as may be necessary and to meet BS4142:2014 of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

## Public Right of Way

- 5.13.10 At this outline stage, it is not the intention of the developer to stop up or divert the PRow network through the site (Footpaths 8 and 10). Details would be forthcoming at reserved matters stage as to how the footpaths would be accommodated but it is proposed to facilitate a 3m wide zone along the line of the footpaths, with some planting to retain the rural character of the route where it passes housing. The benefit of formalising some these PRows on the site would be that those that are heavily used Footpath sections would receive an informal impermeable surface.
- 5.13.11 ECC Highways have been consulted and raise no objection, subject to a condition requiring a comprehensive package of improvement works to be submitted prior to commencement of the development. This is considered acceptable, with formal details to come forward in conjunction with a reserved matters application, should consent be granted.

## Health Impact Assessment

- 5.13.12 The Applicant has submitted a Health Impact Assessment with the application. It reviews the health and well-being of both existing and future residents. In summary, no significant impacts are envisioned in Latchingdon and the development would offer contributions to improving health by providing a variety of housing types and tenures, public open spaces, improving accessibility and delivering new social infrastructure including office space and allotments. Several recommendations are provided, that would come forward at reserved matters stage regarding noise mitigation,

## **5.14 Viability and Planning Obligations**

- 5.14.1 Paragraph 58 of the NPPF sets out the three tests required for planning obligations (as set in regulation 122(2) of the Community Infrastructure Levy Regulations) with all three test needing to be met:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 5.14.2 Along with other key principles, policy S1(11) requires decision makers to: *“Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including Section 106 agreements and/or Community Infrastructure Levy and other funding sources”*. LDP policy I1 also requires developers to contribute towards local and strategic infrastructure and services necessary to support the proposed development. It also states that where

the development may impact upon the local area, a S106 contribution may be agreed between the Council and the developer to mitigate those impacts.

#### Healthcare

- 5.14.3 Mid and South Essex Integrated Care System (the ICS) consultation response notes that the two closest surgeries are The Trinity Medical Practice and Maylandsea Medical Centre (part of the Dengie Medical Partnership).
- 5.14.4 The ICS note that development could give rise to an additional 336 new residents, which would subsequently transpire to additional demand for health services. As such, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £69,300 in order to deliver an additional 23sq.m of floorspace at the chosen health facility. The Applicant has not disputed this sum.

#### Education and Libraries

- 5.14.5 Overall, the development is expected to generate the need for up to 12.6 Early Years and Childcare (EY&C) places, 42 Primary School places, and 28 Secondary School places.
- 5.14.6 Turing firstly to early years childcare, whilst it is noted that there is some provision in the area (three spaces available), this is insufficient to accommodate the development. As such, a contribution of £251,861 (index linked) is triggered, equating to £19,990 per place.
- 5.14.7 Regarding primary school provision, a contribution of £839,588 (index linked), is sought to mitigate its impact on local Primary School provision. This equates to £19.90 per place.
- 5.14.8 Secondary school provision encompasses both school places and school transportation. A developer contribution of £769,776, (index linked) sought to mitigate its impact on local Secondary School provision. This equates to £27,492 per place. As the closest secondary school to this development is Plume School (over 3 miles), transportation would be required to ferry pupils back and forth at a total contribution of a £166,516 (index linked).
- 5.14.9 Lastly, the increase in population would trigger an increase in library usage and will require a contribution of £10,892 to expand the reach of the mobile library.
- 5.14.10 With regards to the above, it is understood that the Applicant has agreed to the amounts of the financial contributions sought by ECC Education to fund the provision of Early Years, Primary and Secondary School Places, Secondary School Transport and Libraries.

### **5.15 Planning Balance and Conclusion**

- 5.15.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.15.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7 years), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance',

is engaged. Attention is drawn to the second bullet point of the paragraph, which states:

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

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

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

- Providing new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position;
- The delivery of affordable housing (56) is given substantial weight, which is only tempered by the location of the site in the countryside and outside of the key urban areas or Maldon and Heybridge and Burnham-on-Crouch;
- The development would provide high quality public open space, amenity areas and allotments for existing and future residents and this should be given significant weight;
- Employment opportunities arising from the proposals. This is given moderate weight considering the employment generated from the site would be restricted to a modicum of office and retail floorspace provision;
- Matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver significant on-site BNG, which would be secured for 30 years; and
- In addition, the development would be acceptable in terms of flood risk and drainage and would ameliorate onsite issues, subject to final details at reserved matters stage and via condition. This is given limited weight.

5.15.5 The main impacts of the development that are harmful are:

- The discordance with the development plan. This is given significant weight given the location of the site outside of the settlement boundary;
- Impact on local views. This is given limited weight given that the views that are most impacted concern those in the immediacy of the site and can be placated at reserved matters stage; and
- Other matters of amenity, different types of pollution and highways are given very limited weight in this instance, given that the technical assessments have satisfied the relevant policies and legislation.

5.15.6 The planning balance is not a mathematical exercise whereby an number of weights of benefits equals an acceptable scheme, but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the significant harms identified with this proposal, which are of importance to decision making. On the merits of this particular proposal, the benefits clearly outweigh the harms.



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

6.1 No relevant planning history.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	<p>Objects to the proposals regarding traffic, schools places, drainage, health facilities, education and local transport.</p> <p>92 homes have already been approved in the village and cumulatively will deliver a large number of new homes but without the infrastructure.</p>	Noted. Matters alluded to are dealt with in various sections of the report including 5.1, 5.6, 5.10 and 5.14
Mayland Parish Council	<ul style="list-style-type: none"><li>• Insufficient Infrastructure i.e. schools, dentists, doctors</li><li>• Flooding issues</li><li>• Condition of Roads not sufficient for current volumes of traffic</li><li>• Entrance of new development onto Latchingdon High Street is too dangerous and would cause further congestion</li><li>• Only 2 roads serving whole of Dengie which are often congested</li><li>• Transport system insufficient</li><li>• Emergency services cannot get through Latchingdon if busy and congested</li><li>• Water supply insufficient</li></ul>	Noted. Matters alluded to are dealt with in sections 5.1, 5.6, 5.10 and 5.14
Purleigh Parish Council	<ul style="list-style-type: none"><li>• Highway safety: Only having one access close to the junction of The Street, with many vehicles entering and leaving the site will be detrimental to highway safety.</li><li>• Back land development: The development constitutes backland development contrary to the approved LDP and NPPF.</li></ul>	Noted. Matters alluded to are dealt with in sections 5.1, 5.6 and 5.9.
Mundon Parish Council	<ul style="list-style-type: none"><li>• Without local road infrastructure improvements, i.e. prioritising and widening of Fambridge Road, yet another 140 households on the Dengie will further compromise travel issues.</li><li>• The application does not deal with its additional 'dirty water', which will be sent to the already vastly</li></ul>	Noted. Matters alluded to are dealt with in sections 5.6 and 5.13.

Name of Parish / Town Council	Comment	Officer Response
	over-capacity sewage works in Mundon, further increasing downstream flooding in defiance of both Anglian Water and Maldon District Council policies.	
Althorne Parish Council	<p>Objects on the basis of:</p> <ul style="list-style-type: none"> <li>• Impacts from a highways and transport perspective, especially on B1012 in South Woodham</li> <li>• Backland development with access outside of the settlement boundary</li> <li>• Shops in the development will attract limited trade and so will not encourage meaningful commercial investment</li> <li>• Capacity issues with trains serving Althorne Railway Station, undermining the sustainability of the site</li> <li>• There are limited bus services in Latchingdon</li> <li>• Lack of GP services</li> <li>• Impact on the existing agricultural fields, their contribution as a visual asset to Latchingdon, the surrounding footpaths and existing wildlife</li> <li>• Application for development outside of the settlement boundary with harms outweighing the benefits</li> </ul>	Noted. Matters alluded to are dealt with in sections 5.1, 5.4 5.6, 5.7, 5.10 and 5.14
Southminster Parish Council	<p>Objects regarding the following:</p> <ul style="list-style-type: none"> <li>• Lack of capacity at local schools and medical centres</li> <li>• Highways – Poor condition of Rectory Lane, Latchingdon</li> <li>• Highways – Lack of capacity at Kitts hill roundabout (Palepit Corner), Latchingdon Roundabout, Butchers Corner, Rectory Lane/Lower Burnham Road junction</li> </ul>	Noted. Matters alluded to are dealt with in Sections 5.6 and 5.14
Latchingdon Parish Council	<ul style="list-style-type: none"> <li>• Site is not in settlement boundary and represents departure from LDP;</li> <li>• Limited services and lack of transportation and therefore cannot sustain the quantum of development</li> <li>• Development would cause harm to the character and appearance of the area given its size and location</li> </ul>	Noted. Matters alluded to are dealt with in sections 5.1, 5.5, 5.6, 5.7, 5.8, 5.10, 5.12, 5.13 and 5.14

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>Cumulative impact of the development has not been taken into account in the Health Impact Assessment of Travel Plan</li> <li>Insufficient school places, GP surgeries and other infrastructure issues</li> <li>Impact on local highways, access concerns and cumulative impacts</li> <li>Visual impact of the development</li> <li>Emerging Local Plan methodology is incorrect in labelling Latchingdon as a 'Larger Village'</li> <li>Flood risk and drainage issues</li> <li>Lack of connection to the surrounding green infrastructure network</li> <li>Open space provided does not address the overall deficiency in Latchingdon and there are no children's play facilities proposed</li> </ul>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No objections subject to a number of conditions.	Noted, discussed in Section 5.6 of this report.
ECC Green Infrastructure	No objections subject to conditions	Addressed in 5.8
Lead Local Flood Authority	No objection subject to conditions	Addressed in 5.10
ECC Education	No objection subject to mitigation via S106 contributions	Addressed in 5.14
Anglian Water	Objects given that the Latchingdon Water Recycling Centre lacks capacity to accommodate the development.	Addressed in 5.13
Natural England	No objections subject to mitigation regarding the Essex Coast RAMS.	Addressed in 5.12 and 5.14
Active Travel England	No objection. Standing advice given.	Addressed in 5.6
Essex Fire Service	No objections. Advice given <i>ultra vires</i> .	N/A
Essex Police Planning	No objections. Further engagement recommended as part of reserved matters.	N/A
Place Services Archaeology	No objections subject to conditions.	Addressed in 5.11.
Mid and South Essex Integrated Care System	No objections subject to mitigation of £69.300 via S106.	Addressed in 5.14

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions	Noted. Addressed in 5.9 and 5.13.
Heritage and Conservation Officer	No harm caused by the development to nearby listed buildings.	Addressed in Section 5.11 of this report
Place Officer	No objections subject to amendments to the access at Reserved Matters stage	Addressed in section 5.5 of this report
Housing Officer	No objections subject to details coming forward at reserved matters stage.	Addressed in 5.2 and 5.3 of this report.
Ecology Place Services	No objection subject to mitigation via RAMS offsetting payment of £163.86 per dwelling	Addressed in 5.12 of this report
Landscape Views (Wynne Williams Associates – externally appointed consultant)	No objections in principle but amendments required to landscaping on PRoWs as part of a reserved matters submission.	Noted. Addressed in 5.7 of this report.

### 7.4 Representations received from Interested Parties

- 7.4.1 34 letters were received in total: 0 in support, 33 in objection and one comment regarding an observation. The reasons are summarised in the table below:

Objecting Comment	Officer Response
<b>Use</b> <ul style="list-style-type: none"> <li>New village centre was never consulted on with the residents</li> <li>The new local centre will draw business away from existing businesses</li> <li>Loss of valuable farmland for food security</li> <li>Concerns over the delivery of affordable housing</li> </ul>	Addressed in sections 5.2, 5.4, 5.13, 5.14 of the report.
<b>Quantum of Development and Location</b> <ul style="list-style-type: none"> <li>Latchingdon is already overdeveloped</li> <li>More development will lead to the destruction of the village</li> <li>In conjunction with other recent permissions in the village, the settlement almost doubles in size</li> <li>The location of the development is outside of the settlement boundary</li> <li>The development constitutes backland development</li> </ul>	Addressed in sections 5.1 and 5.5 of the report.
<b>Amenity</b> <ul style="list-style-type: none"> <li>Loss of views</li> <li>General amenity concerns regarding the loss of a current tranquil village</li> <li>Character of the village will be lost with</li> </ul>	Addressed in sections 5.5, 5.7, 5.9 and 5.13, of the report. Private views are not a material consideration in planning.

Objecting Comment	Officer Response
<p>other permitted developments</p> <ul style="list-style-type: none"> <li>• Potential overlooking from the new properties</li> <li>• Field is used by dog walkers</li> <li>• Light pollution from cars and homes</li> <li>• Crime rate has increased recently</li> </ul>	
<p><b>Highways and Access</b></p> <ul style="list-style-type: none"> <li>• Surrounding roads are at capacity</li> <li>• The development will create a dangerous junction with The Street</li> <li>• Buses and train services are inadequate in Dengie</li> <li>• Increased car dependency</li> <li>• Latchingdon is a bottleneck for traffic in Dengie.</li> <li>• Concerns over emergency vehicles serving Dengie given the level of existing traffic</li> <li>• Surrounding roads are in poor condition</li> <li>• Highway safety concerns and accidents on surrounding roads</li> <li>• Roadworks cause long delays for residents</li> <li>• Existing road system cannot take additional housing as it already serves other villages such as Mayland, Steeple, Bradwell, Althorne, Southminster and Burnham-on-Crouch</li> <li>• Damage will be caused by construction vehicles</li> <li>• Noise, vibration and disturbance from constriction vehicles</li> <li>• Some of the roads are very narrow with very few passing points</li> <li>• Roads are poor in winter</li> <li>• Existing zebra crossings are already dangerous</li> <li>• Poor walking and cycling facilities in the village already</li> <li>• Speed of traffic and the need for speed limits to change in and around the village</li> <li>• Pavements are narrow and dangerous</li> <li>• Lack of adequate bus stops in the village</li> </ul>	<p>Addressed in sections 5.6 of the report.</p>
<p><b>Parking</b></p> <ul style="list-style-type: none"> <li>• No space for any more cars</li> <li>• Lack of double yellow lines and parking restrictions on the main road will lead to greater parking stress</li> </ul>	<p>Addressed in section 5.6 of the report. Details of parking to be forthcoming at reserved matters stage.</p>

Objecting Comment	Officer Response
<b>Environment</b> <ul style="list-style-type: none"> <li>• Increase in traffic and development will cause increase in carbon footprint</li> <li>• Pollution is already disproportionate to the size of the village and dangerous for children</li> <li>• Loss of countryside</li> <li>• The surrounding fields act as 'lungs for the village'</li> </ul>	Addressed in sections 5.6, 5.8, 5.12 and 5.13.
<b>Infrastructure</b> <ul style="list-style-type: none"> <li>• Not enough school places</li> <li>• School in village is oversubscribed as are other secondary schools</li> <li>• Lack of medical provision including GPs and dentists</li> <li>• The sewer and water system is at capacity</li> <li>• Power supply is insufficient for the village</li> <li>• Broomfield Accident and Emergency is already overcrowded</li> <li>• There are insufficient job opportunities in the area</li> <li>• Lack of fire and police stations in the area</li> </ul>	Addressed in sections 5.1, 5.10, 5.13 and 5.14. Regarding power and water infrastructure, paragraph 201 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, separate to pollution regulation policies.
<b>Ecology</b> <ul style="list-style-type: none"> <li>• There are Kestrels, barn owls, bats, heron and buzzards hunting in the field</li> <li>• Loss of wildlife</li> </ul>	Addressed in sections 5.8 and 5.12 of the report.
<b>Drainage</b> <ul style="list-style-type: none"> <li>• Longstanding drainage issues in the village with blocked and collapsed drains</li> <li>• Development will lead to increased flood risk</li> <li>• Ditches in the village are overgrown and not maintained</li> <li>• Mundon Sewage Works already at capacity</li> </ul>	Addressed in section 5.10 of the report.
<b>Heritage</b> <ul style="list-style-type: none"> <li>• The area has significant historical importance, with potential archaeological remains dating back to the Late Iron Age and Roman periods</li> </ul>	Addressed in section 5.11 of the report.
<b>Designing out Crime</b> <ul style="list-style-type: none"> <li>• Concerns regarding crime prevention, road layout, and lighting.</li> </ul>	No objection raised by Essex Police. Details to come forward at reserved matters stage.

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

**HEADS OF TERMS OF SECTION 106 AGREEMENT**

**Affordable Housing:**

Agreed housing mix of houses (social/market), apartments and bungalows comprised of affordable/social rented, intermediate affordable and market.

**Education and Libraries**

Contributions in respect of early years and childcare, primary and secondary school places and secondary school transport.

Contributions to the enhancement and improvement of library and related services at a cost commensurate to the development.

Employment and Skills (Employment and Skills Plan).

**ECC Monitoring Fees:**

To pay the County Council's Monitoring Fee of £700 per obligation (financial and otherwise).

**NHS:**

Contributions towards healthcare provision and infrastructure.

**Essex Coast RAMS:**

A financial contribution to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the Zol of the Essex Coast protected areas.

**Indexing:**

All contribution payments to be index linked.

**S106 Legal and District Council Monitoring fees:**

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

**PROPOSED CONDITIONS**

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision. The development hereby permitted shall be begun no later than two years from the date of approval of the last of the reserved matters to be approved.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plan, including Parameters Plan 130PL03.  
REASON: To ensure that the development is carried out in accordance with the details as approved. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, has been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

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

4. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

5. Concurrently with reserved matters and prior to commencement, the dwelling mix for the development hereby approved shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2021).

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

6. The landscaping details referred to in Condition 4 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. The hard landscaping details shall include:

- the layout of the hard landscaped areas, materials and finishes to be used, details of the means of enclosure, car parking layout, vehicle and pedestrian accesses;
- height, design and materials for the treatment of all gates, fences, walls, railings and other boundary treatments. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.
- The hard and soft landscaping works shall be carried out as approved in accordance with a timetable agreed by the Local Planning Authority. If, within a period of five years from the date of the planting, any tree or plant is removed, destroyed, dies, or becomes seriously damaged or defective, another tree or plant of the same species and size shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation. All hedgerow boundaries, apart from those required to be removed to allow for the accesses hereby approved, shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

REASON: To ensure the adequate provision of landscaping to mitigate the impact of the development in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework.



7. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

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

REASON: To ensure the adequate provision of landscaping to mitigate the impact of the development in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework.

8. A **Landscape and Ecological Management Plan (LEMP)** shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
- (a) description and evaluation of features to be managed;
  - (b) ecological trends and constraints on site that might influence management;
  - (c) aims and objectives of management;
  - (d) appropriate management options for achieving aims and objectives;
  - (e) prescriptions for management actions;
  - (f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - (g) details of the body or organisation responsible for implementation of the plan;
  - (h) ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with a timetable agreed with the Local Planning Authority.

REASON: To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the Green Infrastructure assets.

9. All mitigation and enhancement measures shall be carried out in accordance with the details contained in the Ecology Impact Assessment (Ecology Services, December 2024). This may include the appointment of an appropriately competent person, for example, an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details and a timetable agreed with the Local Planning Authority.

REASON: To enhance Protected and Priority Species/habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework

10. A **Biodiversity Enhancement Strategy** for protected and priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- (a) purpose and conservation objectives for the proposed enhancement measures;
- (b) detailed designs or product descriptions to achieve stated objectives;
- (c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- (d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- (e) persons responsible for implementing the enhancement measures;
- (f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance Protected and Priority Species / habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

11. Design and construction of the development shall ensure that the following noise criteria are met:

- 1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- 2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- 3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

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

12. No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- a survey of the extent, scale and nature of contamination;
- the potential risks to: human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and
- pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework

13. Prior to any works commencing, an air quality assessment must be submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of any measures necessary to mitigate the emissions as calculated in the assessment. The agreed measures shall be implanted prior to final completion of the development.

REASON: In order to reduce the impact of motorised vehicle travel on the environment, in the move towards a low carbon environment and in order to protect the amenity of residents on the wider area, in accordance with policies S1, D1 and D2 of the Local Development Plan and guidance contained in the National Planning Policy Framework.

14. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

REASON: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

15. No works except demolition and site clearance shall takes 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 2 accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 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.
- 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.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, Finished Floor Level and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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

REASON: To ensure adequate provision is made for surface water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

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

REASON: To ensure adequate provision is made for surface water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

17. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has 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.

REASON: To ensure adequate provision is made for surface water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework

18. No development shall take place, including any ground works or demolition, until a **Construction Management Plan** has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. vehicle routing
  - ii. the parking of vehicles of site operatives and visitors
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development
  - v. wheel and underbody washing facilities

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

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies. In addition, in the interest of protecting residential amenity, in accordance with Policies D1, D2 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

19. Prior to occupation of the proposed development and as shown in principle in Drawing 24322- MA-XX-XX-DR-C-0131 P02 in the Transport Assessment, the main site access on the B1018 Cold Norton Road shall be provided with clear to ground visibility splays of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway.

REASON: To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance.

20. Prior to occupation of the proposed development, the site access road shall be provided at 90 degrees to the existing carriageway with appropriate bellmouth radii to accommodate goods and refuse vehicles, a minimum road width of 5.5 metres with 2 metre wide pedestrian footway on the east side and a straight section for a minimum of the first 15 metres into the site.

REASON: To ensure that vehicles and pedestrians can enter and leave the highway in a controlled and safe manner, in the interest of highway safety and in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance.

21. Prior to occupation of the proposed development and as shown in Drawing 24322-MA-XX-XXDR-C-0102 – P02, a new 2 metre pedestrian footway shall be provided from the proposed site access junction detailed above to link with

the existing pedestrian footway on the B1018 that currently ends outside Sharps Farm.

**REASON:** To provide pedestrians 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 DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance.

22. Prior to occupation of the proposed development and as shown in principle in the Drawing 24322-MA-XX-XX-DR-C-0101 P03, pedestrian and cycle access to the site shall be provided to Latchingdon village from land between nos 61 and 63 The Street. Vehicle access (other than emergency vehicles) shall be precluded by use of collapsible bollard(s) or similar means to be agreed with the Highway Authority.  
**REASON:** To provide pedestrians, cyclists and the mobility impaired with safe access to nearby facilities and services and prevent any unsafe vehicle movements, in the interest of highway safety, accessibility and amenity, and in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance.
23. Prior to commencement, a comprehensive package of improvements to the Public Right of Way network within the development is to be agreed with the Highway Authority, i.e. Latchingdon public footpaths 7, 8 and 10.  
**REASON:** To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance.
24. Prior to occupation of the proposed development, the developer shall pay for a Traffic Regulation Order together with the provision of associated signage to extend the existing 30mph speed limit on the B1018 to a location west of the site access to be agreed in consultation with the Highway Authority. It shall include a gateway feature and appropriate road markings.  
**REASON:** In the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies.
25. Prior to 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. Such approved travel plan shall be actively implemented for a minimum period from 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 DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance.
26. Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).  
**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance.

27. The total floor space for the entire village centre shall not exceed 1,250 square metres in floorspace.

REASON: To provide clarity on what is being permitted.

28. **Biodiversity/Habitat Management and Monitoring Plan** to be submitted to and approved in writing by the relevant specialism at the Local Planning Authority. To ensure that the net gain in biodiversity agreed upon in the Biodiversity Gain Assessment shall be implemented in full within a 30-year period or lifetime of the project. It is recommended that the Biodiversity/Habitat Management and Monitoring Plan be expanded and includes 30-40-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. The Biodiversity/Habitat Management and Maintenance Plan should cover:

- Details of the management and maintenance operations, actions and work schedule for years 1 – 5 and with broader management aims for the lifetime of the BNG commitment of 40 years.
- Proposals for monitoring needed to measure the effectiveness of management, including methods, frequency and timing.
- Details of the roles and responsibilities for implementation and monitoring, as well as the legal, financial, and other resource requirements for BNG delivery, are secured.
- Including setting out the reporting procedures and options for remedial works and adaptive management to account for necessary changes in work schedule to achieve the required targets if needed.

REASON: In order to ensure measurable net gains are being delivered and effectively maintained and in accordance with LPA's BNG Policy, allowing the LPA to discharge its duties under the NPPF.

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

REASON: In the interests of the impact on the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework.