



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 OCTOBER 2025**

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| Application Number | 25/00473/OUTM and 25/00474/OUTM |
| Location | Land Adjacent Westerings, Purleigh |
| Proposal | Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access. |
| Applicant | Rosconn Group |
| Agent | Mrs Samantha Stephenson - Phase 2 Planning |
| Target Decision Date | 25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed) |
| Case Officer | Fiona Bradley |
| Parish | PURLEIGH |
| Reason for Referral to the Committee / Council | Departure from the local plan Major Application |

1. RECOMMENDATION

25/00473/OUTM

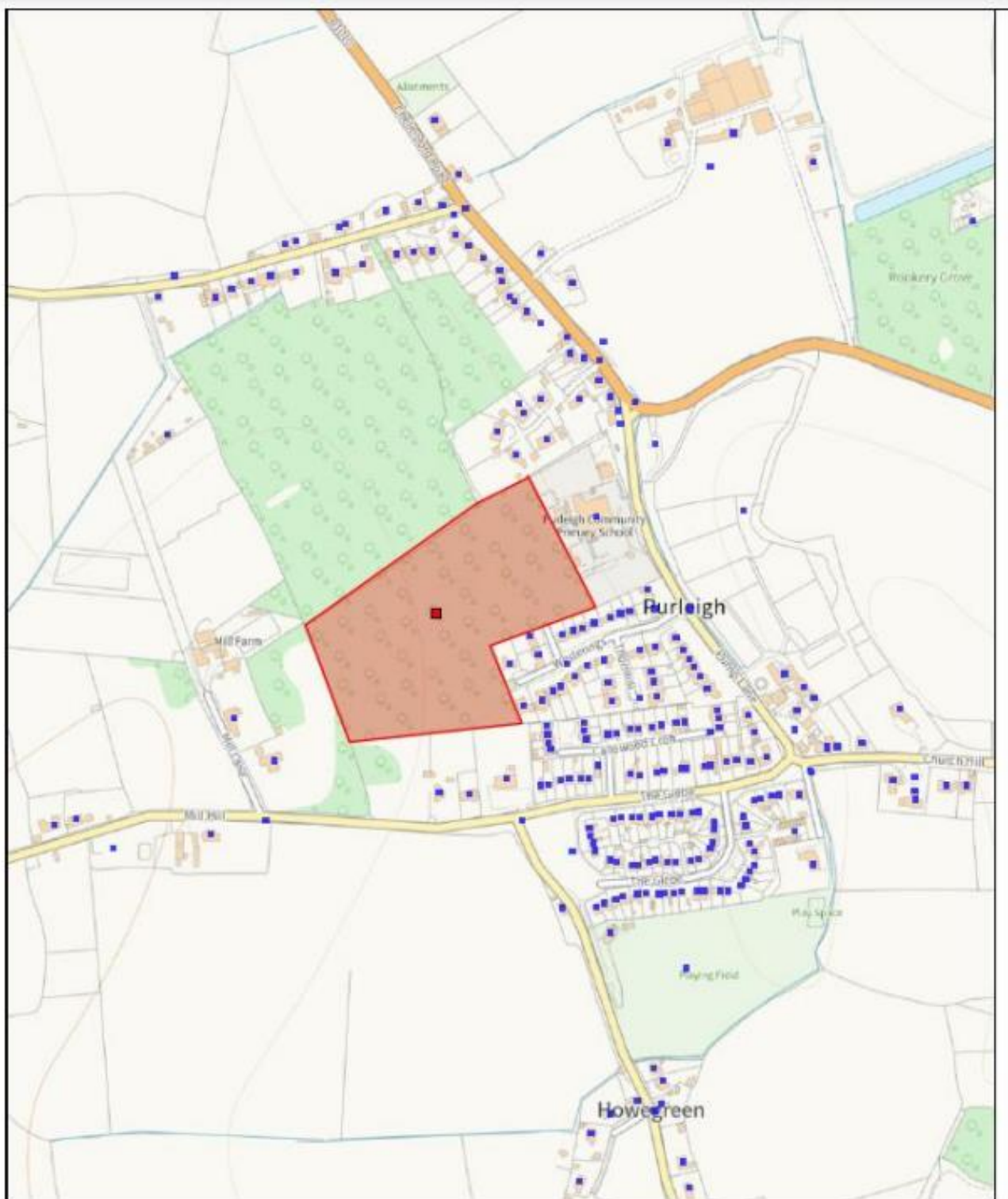
That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

25/00474/OUTM

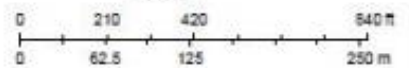
APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



1:3,307



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site lies to the west of the village of Purleigh and is approximately 3.48 hectares in size. The site consists of an open undeveloped field comprising primarily grassland, with some individual mature trees within the site. The site is enclosed on all sides by woodland, hedgerows and residential development. The site rises upwards from the east to the west.
- 3.1.2 To the east of the site, is the Purleigh Community Primary School and its playing pitches. Residential development is adjacent to part of the northern, eastern and southern boundaries of the site. This is predominately comprised of two storey detached and semi-detached dwellings. Further residential development lies to the west of the site, on Mill Lane. Purleigh Village Hall lies to the south of the site. A field lies to the north of the site which is also in the applicant's control.
- 3.1.3 A permissive footpath, 'Sally's Path', is within the site adjacent to 17 Westerings, connecting Westerings to the land to the rear of the village hall.
- 3.1.4 The site is outside but immediately adjacent to the settlement boundary of Purleigh. The site is within Flood Zone 1.

Background

- 3.1.5 Application 25/00473/OUTM has been appealed due to non-determination as the time taken to decide the application is beyond the statutory 13 week determination period for a Major application. As such, any decision taken by the Planning Committee on the Officers' recommendation can only be a 'minded to' decision. The power to determine this application now lies with the Planning Inspectorate. Application 25/00474/OUTM has not been appealed and was amended during the course of the application, removing a proposed school car park, making both applications identical. The decision making on this application will be as per normal Committee processes with the Council being the decision maker.

The Proposal

- 3.1.6 Outline planning permission is sought, with all matters reserved for subsequent approval except for access, for up to 55 dwellings with open space and relevant infrastructure.
- 3.1.7 The application is accompanied by a Framework Plan (drawing no. P05 Rev A) for approval which defines:
 - (a) The location of parcels of residential development within the overall application site boundary;
 - (b) The overall extent of land to be used for open space, play area, landscaping, surface water attenuation and other 'green infrastructure'; and
 - (c) The principal point of vehicular, pedestrian and cycle access into the site and an indication of routes of movement within the site.
- 3.1.8 Vehicular, pedestrian and cycle access to the site is proposed via an extension of Hawthornes into the site from the south, with footways extending on both sides of the carriageway.

3.1.9 The application is supported by the following documents:

- Framework plan
- Design and Access Statement
- Education Report
- Desk Study Appraisal
- Archaeology and Heritage Statement
- Health Impact Assessment
- Transport Assessment
- Food Risk Assessment
- Sustainable Drainage Report
- Arboricultural Assessment
- Landscape and Visual Impact Assessment
- Preliminary Ecological Appraisal (PEA)
- Ecological Impact Assessment
- Baseline Habitat plans
- Great Crested Newt District Licensing Certificate

3.2 Conclusion

3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, policies in relation to housing and spatial development are no longer applicable due to the Council's Five-Year Housing Land Position (5YHLS) being 2.7 years. The lack of a 5YHLS means that, as per paragraph 11d of the National Planning Policy Framework (NPPF), the 'tilted balance' is engaged, and the benefits and harms must be weighted in the planning balance.

3.2.2 Taking into account the facilities and services available in the village, together with access to of public transport, the site is in a sustainable location. This view is supported by Inspectors in planning appeal decisions.

3.2.3 The development would result in economic benefits associated with temporary jobs during the construction of the development and through occupants using the existing services and facilities.

3.2.4 There are social benefits as a result of the proposed development. The proposal would provide 55 new homes of which 40% (22 homes) would be affordable, thus it would make a significant contribution to the 5YHLS and help to address the shortfall in affordable housing.

3.2.5 Any other remaining planning matters can be addressed via conditions or through a Section 106 (S106) agreement. For the reasons set out in this report, the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.

3.2.6 As stated earlier, due to an appeal against non-determination, the Council does not have the power to decide the outcome of this application. Any decision taken on the Officers' recommendation would be a 'minded to' decision if the Local Planning Authority (LPA) had the power to do so. This is the case whether the Committee decision is to approve in accordance with Officers' recommendation or refuse against the recommendation.

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
- 56 – 59 Planning conditions and obligations
- 61 - 84 Delivering a sufficient supply of homes
- 96 – 108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2021) (LHNA)
- Green Infrastructure Strategy SPD
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

Highways

- 4.4.1 £170,000 is sought to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority required the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed.

Healthcare

- 4.4.2 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

Education

- 4.4.3 No obligations are sought for Early Years and Childcare and Primary Education.
- 4.4.4 Secondary Education - The demand generated by this development would require a contribution towards the creation of 11 additional places. A developer contribution of £302,412 index linked to Q3 2024, is sought to mitigate its impact on local Secondary School provision. This equates to £27,492 per place.
- 4.4.5 School Transport – No requirement for primary school transport. The closest secondary school to this development is Plume School. As this school is over 3 miles away from the development, they would be entitled to transport under the Education Transport policy, so there would be a requirement for a school transport contribution to this establishment. The cost of providing this is £65,417 Index Linked to 2Q 2023, applying a cost per Secondary pupil of £6.26.
- 4.4.6 Libraries - The suggested population increase brought about by the proposed development is expected to create additional usage of a local Library. A developer contribution of £4,279 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020.
- 4.4.7 The Monitoring Fee will be charged at a rate of £700 per obligation (financial and otherwise).

Affordable housing

- 4.4.8 In accordance with planning policy, 40% of all homes to be delivered either on site or via a commuted sum.

RAMS

- 4.4.9 As set out below, this is a requirement in order for the proposed development to pass the relevant tests under the 2017 Habitat Regulations.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow, at 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 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 2023/2024, which stated there was a 6.3 year supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (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. This means that 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 an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, 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 tilted 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'.

Sustainable Development

- 5.1.9 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.

Environmental Dimension

- 5.1.10 In this case, the application site is located adjacent to the settlement boundary of Purleigh which is defined within the adopted LDP as a 'smaller village'. However, the Rural Facilities Survey and Settlement Pattern (May 2023) ranks Purleigh as a 'medium village'. In terms of facilities and services in the village, there are the following:
- Purleigh Community Primary School
 - Purleigh Village Hall
 - Purleigh Community Shop (this sells all day-to-day foods such as milk and bread, it has a weekly fruit and veg box services, and is open 7 days a week)
 - The Purleigh Bell public house
 - Purleigh Cricket Club / Playing Fields
 - All Saints Church
- 5.1.11 There are bus stops on Pump Lane, the nearest bus stop to the application site is located approximately 350m to the south of the site at the junction of Pump Lane / The Glebe with Church Hill. Both east and westbound services operate from the same stop serving Maldon, Southminster, Bradwell-on-Sea, Chelmsford and Burnham-on-Crouch.
- 5.1.12 A footway provides access from the site to all of these services and facilities and the bus stops.

- 5.1.13 An appeal decision dating from 14 June 2021, for the erection of six dwellings at Novoli Farm, Pump Lane in Purleigh (20/00486/FUL, appeal ref. APP/X1545/W/21/3267889), is a relevant material planning consideration. The appeal was refused, however at para. 23 the Inspector stated *"The proposal would also be situated in an accessible location in close proximity of local shops, services, facilities that would be supported by future occupiers, thereby positively contributing to the vitality and viability of the local economy, including that of Purleigh. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles. These benefits would therefore meet relevant requirements of Policies S1 and H4 of the LDP."* This was given moderate weight by the Inspector due to the scale of the development in relation to the size of the village. This decision was taken when the Council did not have a 5YHLS, however the shortfall was minimal at 4.9 years' supply. Significant weight is given to this appeal decision.
- 5.1.14 This accords with more recent appeal decisions at Cold Norton (in the parish of Purleigh) and Stow Maries, both for two new dwellings. At Land adjacent to Eastholm, Latchingdon Road, Purleigh (24/00235/FUL, appeal ref. APP/X1545/W/24/3347605), the Inspector found that *"... although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LP, in the context of the rural district of Maldon, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, without undue reliance on private cars for long distance journeys"*. This decision was at a time when the Council did not have a 5YHLS.
- 5.1.15 In the more recent Stow Maries decision, dated 31 July 2025, (23/00977/OUT, appeal ref. APP/X1545/W/25/3362093) the Inspector considered the location to be sustainable and stated at para. 16:
- "Stow Maries is a small village that has limited services, but it is connected to the neighbouring village of Cold Norton by footpath. Cold Norton has services including a convenience store, primary school, pub, and golf/country club, and these are all accessible on foot from the appeal site. Whilst the nearby bus stop has a limited service, a sustainable mode of transport is available and given that services at Cold Norton are available on foot, future occupiers would not need to be reliant on a bus service. Whilst the pavement to Cold Norton is unlit, future occupiers would be able to safely use the footpath during daylight hours."*
- 5.1.16 The above appeal decisions are given weight as material planning considerations as the circumstances of both, in terms of provision of and access to day-to-day facilities and services, are similar to that of the application site.
- 5.1.17 The facilities and services in the village, the presence of the footway, together with bus services to Maldon and Chelmsford, limits the needs to travel by car and a genuine choice of transport modes are available in accordance with para. 105 of the NPPF. As such, and in accordance with the abovementioned appeal decisions, the location is sustainable.

Economic Dimension

- 5.1.18 The development would make a moderate contribution to the local economy through the construction of the proposed dwellings. The addition of up to 55 dwellings would also support the existing services and facilities in Purleigh through their use by the new residents. This would accord with para. 83 of the NPPF which supports sustainable development in rural areas advising that *"housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will*

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

Social Dimension

- 5.1.19 The proposed development would provide new houses, including affordable housing. Accordingly, the proposal would contribute positively to the housing need in the District.

Conclusion of principle of development

- 5.1.20 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. Notwithstanding the current position regarding the Council’s 5YHLS, as noted earlier in this report, the site in a sustainable location and the development would positively support the existing services and facilities in the village and contribute positively to the housing provision, and affordable housing provision, for the District. These factors weigh heavily in support of the proposal in the planning balance. This is discussed further in the conclusion of this report.

5.2 Housing Need

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.3 The LHNA (2021) 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.
- 5.2.4 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District’s housing stock provides for a wide range of housing needs and offers choice. As this application is in Outline form, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. However, the submitted Planning Statement states at para. 6.13 that *“the development would comprise a mix of 1-4 bedroom properties and a mix of house types, to cater to a range of needs”*. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA.

5.3 Affordable Housing

- 5.3.1 Policy H1 requires that all housing development of more than ten 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 is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide a minimum of 22 affordable dwellings on the site.

- 5.3.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day-to-day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.3.3 The LHNA identifies a tenure split of 75% Affordable / Social Rented and 25% Intermediate Housing.
- 5.3.4 The Council's Strategic Housing Department has advised that "Currently the greatest demand is for 3-bed 5 person rented houses. The longest a family (accepted as homeless) has been waiting in temporary accommodation in Band B Overcrowded needing a 3-bed property is 4 years 7 months. To meet this need Strategic Housing Services will be looking to support the provision of 3-bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021". It also advises that the NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.
- 5.3.5 To meet the increasing need for affordable housing for older people / people with a disability, Strategic Housing would request 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.
- 5.3.6 Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and /or no higher than Local Housing Allowance whichever is the lowest.
- 5.3.7 It is also noted that the Parish of Purleigh 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 were to be provided as Shared Ownership, this restricts occupants of any proposed Shared Ownership units 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.
- 5.3.8 Strategic Housing Services supports the application and would welcome further discussion with the Applicant with regards to the mix, tenure and sizes of the affordable properties as per Policy H1 of the LDP / LHNA.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.

5.4.2 Paragraph 131 of the NPPF states that:

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

5.4.3 Paragraph 139 states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes...”

5.4.4 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:

- 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.

5.4.5 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.

5.4.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).

5.4.7 The proposed density would be between 30-35 dwellings per hectare, this is based on the net developable area. The Framework Plan would allow for a variation in density is proposed across the site to create character and identity, and to respond to the context of the site. Lower densities are proposed towards the west, creating a soft transition to proposed areas of public open space.

5.4.8 Large areas of open space are provided for within the site to provide for an appropriate layout and density to reflect the semi-rural / edge of village location. Details of layout, appearance, landscaping and scale would be dealt with at reserved matters stage.

5.5 Landscape and Visual Impact

- 5.5.1 Policy S1(9) seeks to conserve and enhance the natural environment and Policy S8 states that the *“countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. Policy D1(1) requires development to *“respect and enhance the character and local context and make a positive contribution in terms of... (inter alia) architectural style, height, scale and massing, landscape setting, layout, orientation and density”*. D1(2) requires that proposals *“provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces”*, and D1(3) requires that developments *“contribute positively towards the public realm and public spaces around the development”*. The policy, D1(4), states that proposals should *“protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight...”* and at D1(8) states that developments must *“contribute to and enhance local distinctiveness”*. Policy D2(5) refers to green infrastructure and states that *“Negative impacts on ecology, landscape and green infrastructure should be minimised”*. Policy N2 of the LDP seeks to protect and enhance sites of biodiversity and geodiversity.
- 5.5.2 Paragraph 135(c) of the NPPF states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*.
- 5.5.3 Paragraph 187 of the NPPF states that *“planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes...”* and *“(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”*.
- 5.5.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning. The LVIA sets out the landscape context for the site at a national, county and local level. In terms of landscape impact, the LVIA concludes that *“the proposals can be integrated without significant adverse effects upon the localised or wider landscape setting”*. Regarding visual impact, the LVIA concludes that *“whilst the Proposed Development represents a level of change within the Site’s immediate visual environment, this is minimal and highly localised, and quickly reduces as distance from the Site increases. The proposals will incorporate mitigation measures to minimise visual effects, and the Site has the ability to accommodate the nature of change proposed”*.
- 5.5.5 The Council commissioned an independent review of the LVIA, undertaken by Wynn Williams Associates (the WWA Review) in September 2025. The WWA Review is satisfied the submitted LVIA provides a generally sound and methodical review of the potential landscape and visual effects arising from the proposed development.
- 5.5.6 The WWA Review has identified several areas where the LVIA could be improved to more accurately reflect the development’s potential effects. For the immediate localised landscape, it is considered that the LVIA slightly underestimates susceptibility to the proposed scheme - ‘medium’ susceptibility is more fitting than the ‘low’ level assessed and ‘low’ susceptibility for the wider landscape as opposed to the ‘negligible’ level given in the LVIA. Additionally, some visual effects on nearby residents, particularly along Callowood Croft, The Glebe, Mill Hill, and Greenvale, have not been fully assessed. Also, the visual effects experienced by users of the well-used local footpath known as ‘Sally’s Path’ have not been considered, despite clear visibility across the site from this location.

- 5.5.7 These are important considerations; however, the landscape and visual impacts of the proposal would be further considered through the reserved matters application. Furthermore, the impacts are localised. Therefore, although these are important considerations the WWA Review agrees with the LVIA that the landscape and visual impacts of the proposed development would not result in substantial harm.

5.6 Impact on Residential Amenity

- 5.6.1 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 (2017) advises a suitable garden size for each type of dwelling. LDP Policy D1 also 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). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.6.2 The indicative layout is considered to be sufficient to demonstrate that there is sufficient space within the site for the above requirements to be met with specific details to be determined at reserved matters stage.
- 5.6.3 There is also sufficient space on site for the proposed dwellings to have sufficient private amenity space, as set out in the MDDG. This would also be considered at reserved matters stage.
- 5.6.4 The application is supported by a Health Impact Assessment which identifies short terms impacts on the local community during the construction period. The Council's Environmental Health team has recommended a construction environmental management plan should be secured by condition, given the proximity of residential properties, the school and possible site access arrangements. This is included in the recommendation below.

5.7 Access, Parking and Highway Safety

- 5.7.1 The application is supported by a Transport Assessment prepared by Rappor (May 2025).
- 5.7.2 A significant number of letters of representation have raised concerns regarding highway safety, in particular the issue of impacts arising during the school drop off and pick up times. The case officer visited the site during the school pick up time and acknowledges the points raised by residents. However, Essex County Council (ECC) as the Highway Authority has reviewed the submitted information and advised that the proposals include the provision of an appropriate access to the site via Hawthornes and are satisfied with the submitted Transport Assessment. No objection is raised as the Highway Authority advise that the development would not result in a severe impact on the highway safety and efficiency.
- 5.7.3 In the absence of an objection from the Highway Authority, Officers do not consider a reason for refusal on the grounds of highway safety could be substantiated.
- 5.7.4 A number of conditions are recommended which are included in the recommendation below. In addition, to ensure compliance with the Council's VPS, a condition requiring details of cycle and vehicular parking in accordance with the standards is recommended.

- 5.7.5 In addition, the Highway Authority seeks a financial contribution of £170,000 to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority requires the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed. These mitigation measures are necessary to make the application acceptable in reducing the need to travel by car through promoting sustainable forms of transport. These obligations would be secured via a S106 legal agreement.
- 5.7.6 Subject to the recommended conditions and securing the mitigation through a legal agreement, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

5.8 Ecology and Biodiversity

- 5.8.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 5.8.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.3 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. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

Ecology

- 5.8.4 The application was supported by a Preliminary Ecological Appraisal (PEA) (RammSanderson, April 2025). Following an initial holding objection from the Council's ecology consultant, an Ecological Impact Assessment (EclA) was submitted together with Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (signed by Natural England).
- 5.8.5 The EclA includes field surveys including bat survey, breeding bird survey, great crested newt survey (including eDNA) and biodiversity. No signs of badger were recorded however the EclA recommends a pre-commencement survey to be undertaken.
- 5.8.6 The ecology consultant has reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and advised there is sufficient information to assess the impacts. No objection is raised in this regard and conditions are included in the recommendation to ensure necessary mitigation is secured.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.8.7 In terms of offsite impacts, the application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.8 The development of up to 55 dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

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

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

- 5.8.9 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution. The RAMS tariff is £169.45 per dwelling (2025/26). This would be secured via a S106 legal agreement.

Biodiversity Net Gain (BNG)

- 5.8.10 Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 5.8.11 In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: other neutral grassland, mixed scrub, ponds, Heathland and shrub – Blackthorn scrub and urban trees. This is secured by way of a condition.
- 5.8.12 The Council's Ecology Consultant has raised a holding objection pending further information relating to BNG. In particular, a new baseline habitat is required to include the revised metric area of a tree and the condition assessment sheets for the

baseline habitats are required. However, it has been confirmed that the information has been provided. A biodiversity gain condition, as a pre-commencement requirement, is included in the recommendation.

5.9 Flood Risk and Drainage

- 5.9.1 The application is supported by a Flood Risk Assessment and a Sustainable Drainage Report, both prepared by Pell Frichmann.
- 5.9.2 The site is wholly located in Flood Zone 1 and is therefore at low risk of flooding from all sources including fluvial, ground water and surface water flooding.
- 5.9.3 To mitigate the impact on increased hard surfacing on the site resulting from the development, the Sustainable Drainage report states that attenuation on site would be required, this would be via an attenuation basin in the eastern part of the site. AS the application is in outline form, specific details of the drainage strategy have not yet been provided.
- 5.9.4 The application has been reviewed by the Lead Local Flood Authority who advise that no objection is raised subject to a number of conditions. Anglian Water has also advised that, a condition requiring the submission of a surface water management strategy is recommended.
- 5.9.5 In terms of foul water drainage, it is proposed to connect to the foul sewer maintained by Anglian Water. Anglian Water were consulted and has advised that the Purleigh water recycling centre has capacity to accommodate the flows from the proposed development. Informatives are recommended regarding the connection to the sewerage network.
- 5.9.6 Overall, no objection is raised in regard to flood risk and drainage.

5.10 Other Material Considerations

Heritage

- 5.10.1 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. The site is not within or adjacent to a conservation area.
- 5.10.2 The closest designated heritage assets are the Grade II listed Mill House and Mill Farmhouse which lie approximately a hundred metres to the west. However, these houses (now combined as a single residence) face away from the site and are screened from it by vegetation. The submitted Framework Plan illustrates retained and supplemented planting along the west side of the site which would help ensure minimal impact on the setting and significance of the listed buildings. As such, the Council's Principal Conservation and Heritage Officer advises that the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 5.10.3 A geophysical survey has been undertaken for the site but the results, though negative, are inconclusive. The Essex Historic Environment Characterisation Project has identified the Purleigh area as having medium archaeological potential. Accordingly, the County archaeologist has advised that any development on site

should be preceded by a programme of archaeological investigation. This is included as a condition in the recommendation below.

Trees

- 5.10.4 The site contains a number of individual trees within the site and groups of trees. The application is supported by an Arboricultural Assessment prepared by FPCR (May 2025). The Council's Tree Consultant advises that six moderate value trees and five low value trees / groups of trees require removal to facilitate the proposed development. However, there substantial space is retained for new planting in mitigation. A condition is recommended to safeguard retained trees.

Ground Conditions

- 5.10.5 The application is supported by a Desk Study Appraisal prepared by Crossfield Consulting. The Council's Environmental Health Officer advises that the report fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. Accordingly, a site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. On this basis, a contaminated land condition is recommended.

Pre-commencement conditions

- 5.10.6 The applicant, via their agent, has agreed to the proposed pre-commencement conditions.

5.11 Planning Balance and Conclusion

- 5.11.1 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.
- 5.11.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7), 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."*
- 5.11.3 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.
- 5.11.4 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 (22 units) is given substantial weight;

- the development would provide high quality public open space, amenity areas for existing and future residents and is given significant weight;
- employment opportunities arising from the proposals though the construction period. This is given moderate weight due to the size of the development and the temporary nature of the benefit;
- economic benefits resulting from the occupants using the village's existing businesses. This is given moderate weight.
- matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver 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.

5.11.5 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;
- landscape and visual impact. This is given moderate weight given that the impacts are localised and can be addressed 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 and/or can be addressed by way of conditions. Impacts resulting from overlooking and loss of privacy can be addressed at reserved matters stage.

5.11.6 The planning balance is not a mathematical exercise whereby a 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 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** (*summarised*)

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|--|---|
| Purleigh Parish Council | <p>Object for the following reasons:</p> <p>1. Settlement boundary - Site lies outside the defined settlement boundary, will result in urbanisation harming the character and openness of the countryside.</p> <p>2. Impacts on wildlife and the environment - Purleigh Meadows is valued locally as a wildlife haven.</p> | <p>The responses are set out as per the numbering in the adjacent comment column.</p> <p>1. Settlement boundary is discussed in section 5.1 of this report (principle of development).</p> <p>2. Impact on wildlife and</p> |

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|---|---|
| | <p>The destruction of this natural environment will be contrary to planning policies.</p> <p>3. Flooding and drainage issues – surface water from the site has resulted in flooding in Pump Lane, The development will exacerbate this. Potential flooding of the school. Attenuation basin is inadequate. Question Anglian Water's capacity to accommodate the development.</p> <p>4. Inadequate infrastructure – power cuts are common in the village. Poor public transport. Existing services and facilities are already oversubscribed.</p> <p>5. Layout and density – density has been calculated based on gross, not net, density.</p> <p>6. Traffic and highway safety - unacceptable increase in traffic movements to the detriment of highway safety. Area is already congested at peak times, double parking is frequent, impeding access by the emergency services, and the proximity to Purleigh Community Primary School makes the situation more dangerous.</p> <p>7. Loss of amenity - adverse impact on the amenity of the occupants of neighbouring dwellings (Hawthornes, Thornhill, Westerings and Pump Lane) due to noise and general disturbance. Children will no longer be able play and ride their bikes in the street due to increased traffic.</p> <p>8. Sustainability – development will result in a new residential land use in a location that is disconnected from services and facilities by reason of its unsustainable location and will provide limited access to public transportation, resulting in an increased need of private vehicle ownership. The poor sustainability credentials of the site and its locality will significantly and demonstrably outweigh any benefits of the</p> | <p>the environment is discussed in section 5.8 (ecology and biodiversity) and 5.10.4 (trees) of this report.</p> <p>3. Flooding and drainage is discussed in section 5.9 (flood risk and drainage) of this report.</p> <p>4. Inadequate infrastructure is discussed in section 4.4 (infrastructure improvements) of this report. Whilst the power cuts are noted, this would not justify a reason for refusal of the application.</p> <p>5. Layout and density is discussed in section 5.4 (design and impact on character) of this report.</p> <p>6. Traffic and highway safety is discussed in section 5.7 (access, parking and highway impacts) of this report.</p> <p>7. Loss of amenity is discussed in section 5.6 (impacts on residential amenity) of this report. In addition, the proposal provides for recreational routes within the site and a play area. These would be secured through a reserved matters application.</p> <p>8. Sustainability is discussed in section 5.1 (principle of development) of this report.</p> |

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|-----------|------------------|
| | proposal. | |

7.2 Statutory Consultees and Other Organisations (*summarised*)

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|--|
| Highway Authority | No objection subject to public transport improvements (financial contribution and bus stops) to be secured; conditions regarding; Construction Management Plan; provision of the access road; Residential Travel Information Pack. | Discussed in section 5.7 (access, parking and highway impacts) of this report. |
| Essex Police | No objection. Advice to the developer is provided in the response. | Noted |
| Anglian Water | No objection. Conditions recommended regarding surface water management strategy. | Discussed in section 5.9 (flood risk and drainage) of this report. |
| Essex Wildlife Trust | Object. The submitted PEA does not adequately cover the surveys necessary in regard to botanical survey, reptiles or breeding and wintering birds. | The EclA submitted following these comments which addresses these points. |
| Lead Local Flood Authority | No objection. Conditions recommended regarding: <ul style="list-style-type: none"> • detailed surface water drainage scheme; • a scheme to minimise off site flooding; • maintenance arrangements; and • yearly logs of maintenance. | Discussed in section 5.9 (flood risk and drainage) of this report. |
| NHS Mid and South Essex | The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises. | Discussed in section 4.4 (infrastructure improvements) of this report. |
| Essex County Council Education Authority | No objection subject to financial contributions being secured for secondary education provision, school transport and library | Discussed in section 4.4 (infrastructure improvements) of this report. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---|
| | provision. | |
| Archaeology | No objection. There is potential for archaeological features and deposits to be present within the proposed development area. Archaeological deposits are both fragile and irreplaceable. A condition requiring development on site should be preceded by a programme of archaeological investigation is recommended. | Discussed in section 5.10.3 (archaeology) of this report. |

7.3 Internal Consultees (*summarised*)

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|--|
| Strategic Housing | <p>Support. Currently the greatest demand is for 3-bed 5 person rented houses. To meet this need Strategic Housing Services will be looking to support the provision of 3- bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021. The NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.</p> <p>To meet the increasing need for affordable housing for older people/people with a disability, Strategic Housing would request 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.</p> <p>Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and / or no higher than Local Housing Allowance whichever is the lowest.</p> | Discussed in section 4.4 (infrastructure improvements and affordable housing) and 5.3 (affordable housing) of this report. |
| Waste Management | Request information as to storage of waste containers for each property and presentation point. There are 3 private roads on the development which may need communal | The application is in outline form only therefore these details are not yet available but would considered at |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|---|
| | collection points please refer to our Waste Management Technical Document attached on the number and type of bins currently being used for Waste including, Refuse, Recycling, Food & Garden waste. Also, confirmation is required that primary and secondary streets are suitable for 26 tonne vehicles – specification is in the Technical Document. | reserved matters stage. A condition has been included to address this. |
| Arboricultural consultant | No objection. The application is support by information indicating that 6 moderate value trees and 5 low value trees/groups of trees require removal to facilitate the proposed development. However, substantial space is retained for new planting in mitigation. A condition regarding the retention and protection of existing trees is recommended. | Discussed in section 5.10.4 (trees) of this report. |
| Environmental Health | No objection. The Crossfield Consulting Desk Study Appraisal fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. A site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. A contaminated land condition is recommended and a condition requiring construction environmental management plan. | Discussed in section 5.10.5 (ground conditions) of this report. |
| Principal Place Officer | No objection to the residential development. <u>Comments:</u> Purleigh is one of the least connected settlements in the District for public transport connections with poor infrastructure for safe walking and cycling to and from the wider area. Car dependency is high as with most settlements in the District | The car park element of the proposal has been removed from the application. |

| Name of Internal Consultee | Comment | Officer Response |
|---|---|--|
| | confirmed by the DfT Connectivity Tool assessment and baseline data in the published Maldon District Future Transport Strategy, ECC, 2025. There are no access details for walking and cycling through the gate at the end of Westerings Object to the proposed school car park. | |
| Principal Conservation and Heritage Officer | No objection. The proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Discussed in section 5.10.1 and 5.10.2 (heritage) of this report. |
| Ecology | Holding objection in regard to information submitted for BNG. No objection regarding RAMS and protected and priority species. | Discussed in section 5.8 of this report. The information required has been submitted for consideration however was not taken into account by the officer. Conditions have been included and RAMS secured via a S106 agreement. |

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 4 June 2025 (with expiry date for comments set at 25 June 2025). The site notices were affixed at eye level to gates at Westerings and Hawthornes, immediately adjacent to the site entrance. Following a change of the proposal's description and resulting amended information, further site notices were posted on 9 September 2025 (with expiry date for comments set at 23 September 2025).
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 5 June 2025 (with expiry date for comments set at 26 June 2025).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **98** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment | Officer Response |
|---|---|
| Principle of development <ul style="list-style-type: none"> Outside settlement boundary. Contrary to Council's spatial strategy Unsustainable location. MDC has a 5YHLS. | Discussed in section 5.1 of this report (principle of development). |

| Objection Comment | Officer Response |
|--|---|
| <ul style="list-style-type: none"> Amount of development is disproportionate to the village, 11% growth is ill conceived. | |
| <p>Flood risk</p> <ul style="list-style-type: none"> Increased flood risk to adjacent properties. Existing issues from surface water which will only increase. | <p>Discussed in section 5.9 (flood risk and drainage) of this report.</p> |
| <p>Access, highway safety, parking</p> <ul style="list-style-type: none"> School car park will increase congestion and highway safety. Existing congestion during school pick up and drop off time. Waste collection vehicles have difficulty accessing homes due to congestion and parking. A bespoke traffic assessment is required. Increased safety issues to people walking. Children playing etc due to increased traffic. Narrow lanes are unsuitable for this amount of development. Increased pressure on Howe Green Road, connecting Purleigh to Cold Norton. The road is very narrow. Increased use will impact road surface and increase congestion. | <p>The school car park has been removed from the application.</p> <p>Waste collection within the site would be addressed at reserved matters stage.</p> <p>Other matters are discussed in section 5.7 (access, parking and highway impacts) of this report.</p> |
| <p>Residential amenity</p> <ul style="list-style-type: none"> Loss of privacy to existing residents due to overlooking from new homes. | <p>Discussed in section 5.6 (impact on residential amenity) of this report.</p> |
| <p>Impact on character of the area</p> <ul style="list-style-type: none"> Loss of rural character/identity. Loss of dark skies. Reliance on seasonal vegetation to obscure the development. Landscape impact. | <p>Discussed in sections 5.4 (design and impact on character) and 5.5 (landscape and visual impact) of this report.</p> |
| <p>Infrastructure</p> <ul style="list-style-type: none"> Impacts on capacity of doctors surgeries, dentists etc. Existing drainage infrastructure can't cope. Issues with sewage. Existing electricity network can't cope with current demand, frequent outages. Poor public transport provision. The school is already at capacity. | <p>Discussed in sections 4.4 (infrastructure improvements), 5.7 (access, parking and highway impacts) and 5.9 (flood risk) of this report.</p> |

| Objection Comment | Officer Response |
|---|--|
| Impacts on wildlife <ul style="list-style-type: none"> • Grass was mown prior to survey taking place. • Impacts on protected and priority species. • Impacts on breeding and wintering birds. • Loss of biodiversity. • Currently a vibrant ecosystem. | Discussed in section 5.8 (ecology and biodiversity) of this report. |
| Construction impacts <ul style="list-style-type: none"> • Dust impacts on children at school and nursery. • Construction vehicles will add to traffic issues on local roads, increasing congestion. • Air pollution assessment required. • Noise impacts during construction. | Discussed in section 5.6 (impacts on residential amenity) of this report. |
| Other matters <ul style="list-style-type: none"> • Public consultation undertaken was only online, responses were ignored, it didn't allow for objections or criticism. • Loss of site used for informal recreation. • Loss of public footpath. • It's a safe and natural play area. | <p>Use of the site as a footpath, known as Sally's Path, is at the discretion of the landowner. At this time, it is not known if the path will continue to be provided.</p> <p>The is no permitted use of the site as a natural play area.</p> |

7.5.2 **No** letters were received **in support** of the application.

7.5.3 **One** letter was received **commenting** on the application and summarised as set out in the table below:

| Comment | Officer Response |
|--|--|
| More housing of the right quality and in the right place is required in the UK. This development should include the right balance of affordable housing, homes for the elderly as well as for families. The two former categories should be "ring fenced" for present villagers. I would observe that the development should bring with it improvements to the road infrastructure and improved public transport. The developer should finance the improvement of the totally inadequate junction of Pump Lane with Chelmsford Road to cater for the increased traffic generated by the development. Public transport (bus routes) should include regular daily direct services to the county town of Chelmsford. The development is | Discussed in sections 5.2 (housing need), 5.3 (affordable housing) and 5.7 (access, parking and highway impacts) of this report. |

| Comment | Officer Response |
|--|------------------|
| likely to appeal to commuters who will have no practical choice, other than the use of private cars for their daily commute. | |

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Off-site Recreational Avoidance Mitigation contribution in accordance with the RAMS SPD;
- On- and Off-site Biodiversity Net Gain in accordance with legislative requirements;
- Affordable housing provision as required by the Council's Strategic Housing team;
- Education contributions as identified in the ECC education response letter;
- Libraries contribution as identified in the ECC education response letter;
- On-site Open Space Maintenance obligations;
- Highways obligations as identified in the ECC highways response letter; and
- Monitoring fees.

PROPOSED CONDITIONS

Reserved Matters

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

Time Limit

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

Approved plans

4. The development hereby permitted shall be carried out in accordance with the approved plans listed: L01 Rev A Location Plan and P05 Rev A Framework Plan.

REASON: To ensure the development proceeds in accordance with the approved plans.

Dwelling mix

5. Concurrently with the submission of Reserved Matters for layout, 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) or any subsequent updated assessment.

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

Ground levels

6. Concurrently with the submission of Reserved Matters for layout or landscaping, details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and finished 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.

Landscaping

7. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted

in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Parking

8. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).
9. A scheme in accordance with MDC's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.
REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

Archaeology

10. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
11. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation, defined in condition 10, and any subsequent mitigation has been agreed in writing by the Local Planning Authority.
REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
12. A final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. The Post Excavation Assessment

report and/or an Updated Project Design shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

REASON: To ensure the development is undertaken in accordance with the previously approved scheme to safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.

Drainage

13. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - If infiltration is not viable, limiting discharge rates to 2.8 l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
 - Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Runoff from the residential roofs, driveways, and roads require treatment.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan including on plot drainage which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The approved scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as

they relate to measures that need to be put in place prior to development commencing.

14. 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 the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

15. 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 appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan.

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

REASON: To ensure agreed maintenance arrangements are carried out to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan

Highways

17. 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 approved plan shall be adhered to throughout the construction period.

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. This condition is required prior to commencement because the potential impacts to neighbouring amenity is fundamental to the

development permitted that it would have been otherwise necessary to refuse the whole permission.

18. Prior to occupation of the development hereby approved, the access road from Hawthornes shall be provided with a minimum 5.5 metre width and two 2 metre footways either side for a minimum of 15 metres into the site.
REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.
19. 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.

Trees

20. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The 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 that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

Ground contamination

21. No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates

on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment shall be completed in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan.

Construction Environmental Management Plan

22. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

REASON: To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy D1 and H4 of the Maldon District Approved Local Plan.

Ecology and Biodiversity

23. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impacts Assessment (RammSanderson, August 2025), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g., an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

24. Prior to any works above slab level, 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;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

25. Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

26. Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site and off-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;

- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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

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

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

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

27. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (RammSanderson, August 2025). The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

28. The details to be submitted as part of the reserved matters shall include a Waste Management Plan, to include details of refuse storage. The Waste Management Plan shall be implemented as approved and permanently retained thereafter.

REASON: To ensure sufficient provision for waste storage and collection for all homes and the necessary manoeuvring space for waste vehicles within the site.

INFORMATIVES

1. Biodiversity Net Gain

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

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

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

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

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

Application plans

L01 Rev A Location Plan

P05 Rev A Framework Plan