



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

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to  
**DISTRICT PLANNING COMMITTEE  
16 OCTOBER 2025**

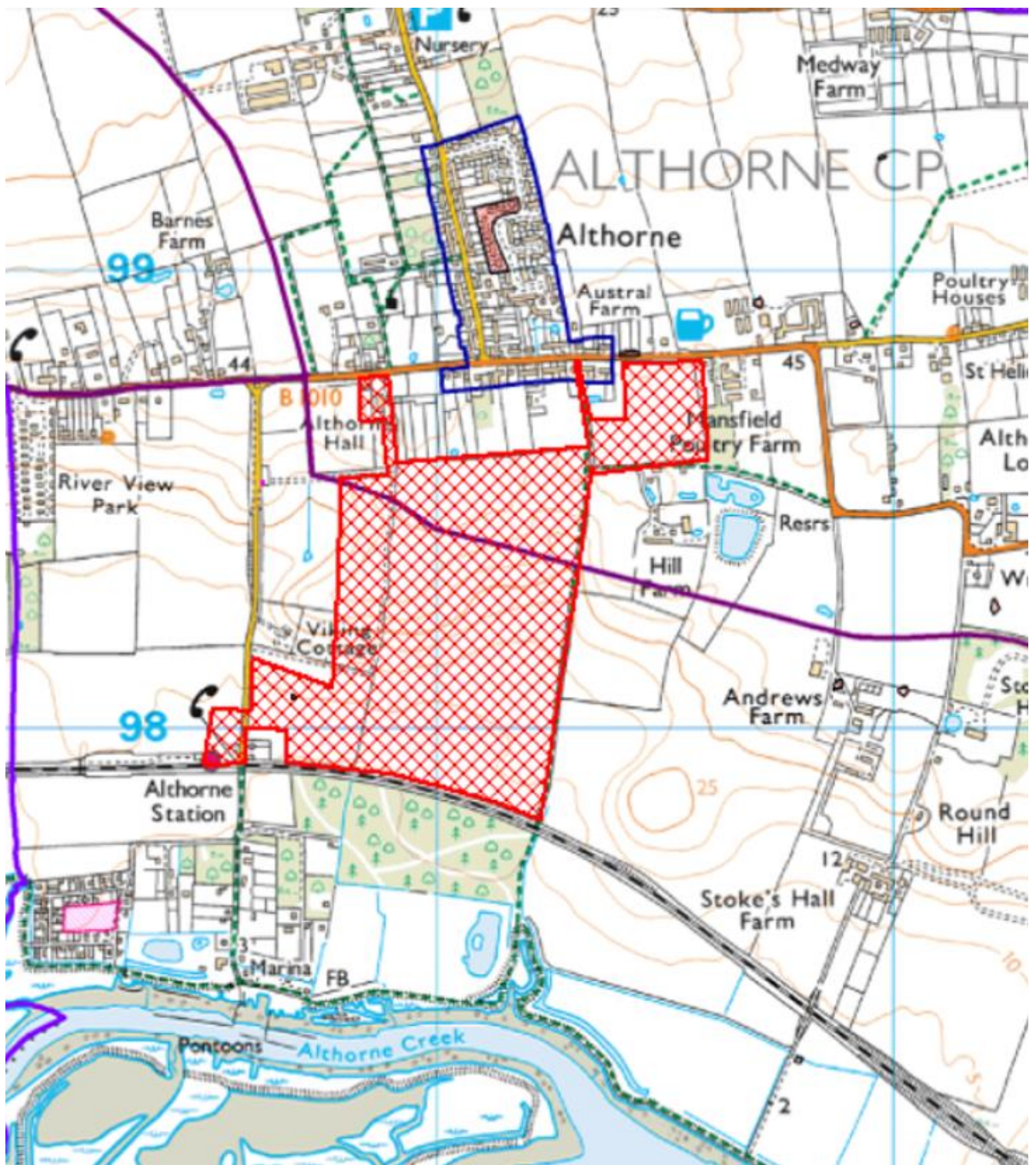
<b>Application Number</b>	<b>DENGIE</b>
<b>Location</b>	Land South of Fambridge Road, Burnham Road, and East West of Station Road, Althorne
<b>Proposal</b>	Outline planning application with all matters reserved except for access, for a phased mixed use development including: Up to 550 dwellings (Class C3) including affordable housing; Up to 1,000sqm commercial space (Use Class E); Early years facility (Use Class E(f)); Education provision (Use Class F1(a)); A 16ha District Park; A 3.3ha Local Park ; Allotments Access enhancements and associated development.
<b>Applicant</b>	Mr Ian Holloway – DMJ Althorne
<b>Agent</b>	Ms Bethan Haynes - Lichfields
<b>Target Decision Date</b>	21.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development of Strategic Interest Departure from the Local Plan Environmental Impact Assessment

**1. RECOMMENDATION**

**REFUSE** for the reasons set out in Section 8 of this report.

**2. SITE MAP**

Please see below.



### **3. SUMMARY**

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

##### Application site

- 3.1.1 The application site, measuring approximately 44 hectares in area, is located outside of a defined settlement boundary, to the south of the settlement boundary of Althorne and the B1010. The application site is located to the north of the existing railway line, which provides a service between Southminster and Wickford, with links to London Liverpool Street. The larger village of Southminster is located approximately 3.2 kilometres to the northeast of the application site as the crow flies, and the closest edge of the site to the nearest part of the Burnham-on-Crouch settlement boundary is located approximately 2.2 kilometres away.
- 3.1.2 The site is irregularly shaped, largely consisting of agricultural land with a classification of Grade 3. The site also contains a number of utilities structures including overhead power lines and gas mains. The boundaries of the site consist of existing trees and hedgerows, as well as existing hedgerow lines being located within the site itself.
- 3.1.3 The gradient of the site increases from the south to the north towards the B1010, located on the ridge at a height of approximately 50m above sea level. The site, as described in the Landscape and Visual Impact Assessment (LVIA) has a distinctive valley side landform. The LVIA highlights that the local landscape context is of high value and should be considered as a valued landscape in relation to paragraph 180(a) of the National Planning Policy Framework (NPPF).
- 3.1.4 There are no residential properties within the site, although the north-eastern parcel which borders the B1010 is sited opposite the Three Horseshoes Pub and residential dwellings. The most westerly northern parcel, referred to as the 'Flag Land' in the Planning Statement due to its shape, also fronts the B1010 and is also sited adjacent to residential dwellings.
- 3.1.5 The southwestern part of the site is located to the south of a dwelling known as Viking Cottage, Station Road and to the north of Althorne Railway Station and residential dwellings known as Station House, Althorne House and Station Cottages. The far western edge of the site is bound by Station Road a Public Right of Way (PROW) identified as FP 10 239. The eastern edge of the site is adjacent to PROW 239\_7 and vegetation.
- 3.1.6 The site lies within Flood Zone 1, with Flood Zones 2 and 3 lying to the south of the railway line.

##### Background information

- 3.1.7 During the course of the application the application has been amended, and the red line area of the site has been reduced from approximately 86 hectares to 44 hectares. The amendments to the application in October 2023 involved the following:
- Reduction in dwelling numbers from up to 750 to up to 550 properties.
  - Re-location of the early years facilities from Primary School location to the 'Flag Land' (Parcel C)
  - A change in the shape and a reduced size of Parcel D (Primary School)
  - Addition of residential Parcel E

- The southern extent of Parcels F, G and H have been moved further north to avoid areas of flood risk which has altered the extent of the parcels
- Omission of the junction improvements to the B1010/Station Road junction and upgrades to Station Road and the Station Road level crossing
- Removal of the works proposed to the war memorial
- The allotments have been relocated from the parcel south of the railway to the east of Station Road
- Relocation of the Local Park from the west of Station Road to the east of Station Road

3.1.8 The reduction to the red line involves the following:

- The omission of land to the west of Station Road with the exception of the land directly north of Althorne Station which remains within the red line and is proposed for a transport interchange
- The removal of the Althorne War Memorial, which is now a Grade II listed building located to the northwest of the site
- Removal of Althorne railway station
- Removal of the Station Road level crossing
- Removal of land west of Station Road and south of the railway.

3.1.9 Following amendments to the application in October 2023, the revision to the red line in January 2024 only involves the removal of land which was not proposed to be developed.

3.1.10 A Scoping Opinion was issued in August 2022 confirming the topics to be scoped into the Environmental Statement (ES). The application has been supported by an ES and an ES Addendum (following the revised description). Given the scale of the development and the proximity of the site to a number of potentially sensitive sites, the development has been found to be require an ES under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As the application is for more than 150 dwellings it exceeds the threshold for 'Urban Development Projects' as set out in Part 10(b) of Schedule 2.

3.1.11 The structure of the ES is as follows:

- Chapter A - Introduction
- Chapter B – Environmental Impact Assessment (EIA) Scope and Methodology
- Chapter C - Site and Scheme Description
- Chapter D - Landscape and Visual
- Chapter E - Transport and Highways
- Chapter F - Ecology and Biodiversity
- Chapter G - Arboriculture
- Chapter H - Water Resources
- Chapter I - Archaeology
- Chapter J - Socio Economic
- Chapter K - Air Quality
- Chapter L - Residual and Cumulative
- Chapter M - Mitigation and Monitoring

## Proposal

- 3.1.12 The application has been submitted in Outline form with the matter of access for consideration. All other matters (appearance, scale, layout and landscaping) are reserved for future consideration. The development seeks permission for a phased mixed-use development for up to 550 dwellings including a mix of 1–5-bedroom dwelling and a 40% Affordable Housing contribution, up to 1,000sqm of Use Class E commercial floor space, an Early Years Facility (Use Class E(f) and Primary School provision (Use Class F1(a)). The development will also involve the provision of a District Park covering an area of 16 hectares, a 3.3-hectare Local Park, allotments, a Transport Interchange and access arrangements.
- 3.1.13 Drawing 751-F031 Rev F sets out the proposed land uses and Drawing 751-F030 Rev J shows the proposed development parcels. Parcels A and B would provide a mixed use of commercial and residential development, with the most southern part of the parcels being residential. The commercial development is intended for small-scale retail and/or business space. The Applicant has confirmed their willingness for this to be secured as particular retail uses should the Local Planning Authority (LPA) deem it necessary.
- 3.1.14 Parcel C, located within the 'Flag Land' would provide the Early Years Facility, whilst Parcel D to the south of Parcel C would provide a Primary School. Parcel E being sited directly to the east of Parcel D is intended for residential development. The centre of the site would provide for the District Park, Allotments and Orchard. To the very south of the site, south of the open space would be residential parcels F, G and H as well as a pumping station in the southwestern corner.
- 3.1.15 Drawing 403.065094.00001.003.REVC (heights plan) shows that the Primary School and Early Years development would be single storey in height. The northern part of residential Parcels F and G would consist of bungalows with the remainder of the development being two storeys.
- 3.1.16 To the north of Althorne Station would be a Transport Interchange. Drawing 751-F038 Rev B indicatively shows that the Transport Interchange would include a bus loop with two bus stops, a covered seating area, a coffee kiosk and toilets with baby change facilities. Wayfinding signs to the station are also included.
- 3.1.17 To the south of Parcels F, G and H a local park is proposed which would include recreation provision, a community orchard, landscaping and access.
- 3.1.18 The Phasing Plan shows that the development will be developed to the north adjacent to the B1010 first.
- 3.1.19 The Concept Plan, drawing ref. 751-F035 Rev G, shows that the development would be served by a spine road taking from the south of B1010 where Parcels A and B are located, descending south along the eastern edge of the site and then directing west through the centre of Parcels F, G and H where the road would adjoin Station Road. Within these parcels there are also roads sprawling from the spine road to serve the most southernly parcels of development.
- 3.1.20 In terms of the access, it should be noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access in relation to reserved matters as being:

*'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit*

*into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made’*

- 3.1.21 It is therefore, considered that the internal roads form part of consideration of this application.

Application documents

- 3.1.22 The application was supported by a Planning Statement (incorporating Affordable Housing Statement and Economic Statement), prepared by Lichfields, dated August 2022. Various parts of the application have been amended and further information provided, therefore the Planning Statement should be read in conjunction with the following:

- Letter from Lichfields to Maldon District Council of 6 June 2023 regarding housing land supply, sustainability and accessibility, heritage, ecology and agricultural land;
- Planning Statement Addendum, Lichfields, October 2023 and Errata Sheet (2 November 2023);
- Letter from Lichfields to Maldon District Council of 19 January 2024 regarding amendment to application site boundary;
- Letter from Lichfields to Maldon District Council of 18 July 2024 regarding Active Travel, Landscape, education, Ecology and other issues;
- Letter from DMJ Althorne to Maldon District Council of 15 January 2025 regarding additional ecology information;
- Letter from Lichfields to Maldon District Council of 23 May 2025 regarding highways and ecology; and
- Planning Statement Addendum, Lichfieldsm 21 July 2025 regarding education and the planning balance

- 3.1.23 The application is made in outline with the following plans to be considered as part of the application:

- Landscape Strategy (Drawing Ref 403.065094.00001.001 REV O);
- Development Parcels (Drawing Ref 751-F030-REV J);
- Land Uses (Drawing Ref 751-F031-REV F); and
- Heights (Drawing Ref 403.V13214.00001.003.REVC

- 3.1.24 The following plans have been submitted and are intended for illustrative purposes:

- Concept Plan (Drawing Ref 751-F035-REV G);
- Character Areas and Phasing (Drawing Ref 751-F034-REV F);
- Access and Permeability (Drawing Ref 751-F033-REV F);
- Green Network and Open Space (Drawing Ref 751-F032-REV F);
- Routes Plan (Drawing Ref 403.065901.00001 Drawing Number 005);
- Farmland Bird Mitigation Plan (Drawing Ref 403.065901.00001 Figure Number 004);
- Landscape Masterplan (Drawing Ref 403.065901.00001 Drawing Number 002);
- Transport Interchange - Site Ownership (Drawing Ref 751-F036-D) – prepared to show the extent of Network Rail land ownership around Althorne Station and along Station Road; and

- Additional Plan – Ecological Mitigation (Drawing Ref SR-MZ-WATB-02)
- 3.1.25 In addition to the ES and Planning Statement, the application is also supported by the following documents:
- Heritage Statement and 2023 Heritage Statement Addendum
  - Character Study, Design Code and Access Statement plus 2023 update
  - Ground Conditions Report
  - Noise Impact Assessment / Acoustic Report
  - School Land Compliance Study

## **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, it is considered that although located outside any settlement boundary, policies in relation to housing and spatial development are no longer up to date due to the Council's Five-Year Housing Land Position (5YHLS). The lack of a 5YHLS means that as paragraph 11 (d) of the NPPF, the 'tilted balance', is engaged and the benefits and harms must be weighted in the planning balance.
- 3.2.2 In addition to economic benefits associated with temporary jobs during the construction of the development, there is also the inclusion of flexible employment / commercial floorspace.
- 3.2.3 There are numerous social benefits as a result of the proposed development. The proposal would provide 550 new homes of which 40% would be affordable, thus it would make a significant contribution to maintaining a 5YHLS and help to address the shortfall in affordable housing. It would also provide a significant amount of new public open space of recreational value to the existing community as well as future residents of the development area and beyond, particularly through the provision of a District Park.
- 3.2.4 The proposal, through the transport improvements, specifically the improvements to bus services and enhanced train station facilities, assist in making the location accessible. In addition, the off-site highway improvements at the B1010 / B1012 junction provide excess of the required capacity for the development but will also improve a historic safety issue at this junction.
- 3.2.5 Provision for a new primary school would meet the needs of the new residents and also provide a local school in the village.
- 3.2.6 Local Plan policies and the NPPF seek to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside. The site is recognised as a valued landscape. Although the applicant considered the impacts of the valued landscape to be localised, independent reviews have concluded otherwise and consider the harm to be substantial.
- 3.2.7 Furthermore, the proposal would result in less than substantial harm to the significance of the Grade II\* listed Parish Church of St Andrew on Farnbridge Road. This is also given great weight.
- 3.2.8 In terms of ecological impacts, there is potential for harm to Great Crested Newts in the absence of a signed district licence.



- 3.2.9 Overall, it is concluded that the proposal conflicts with the Development Plan and that conflict is not outweighed by other material considerations. The application is therefore recommended for refusal.

#### **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
- 38 Decision-making
- 47-50 Determining applications
- 55-59 Planning conditions and obligations
- 60-84 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 90-95 Ensuring the Vitality of Town Centres
- 96-107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 123-130 Making effective use of land
- 131-141 Achieving well-designed places
- 157-179 Meeting the challenge of climate change, flooding and coastal change
- 180-194 Conserving and enhancing the natural environment
- 195-214 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Community
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land



- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- I1 Infrastructure and Services
- I2 Health and Wellbeing
- T1 Sustainable Transport
- T2 Accessibility

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guiden Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Local Housing Needs Assessment (2021) (LHNA)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Althorne Village Design Statement (2015) (VDS)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

#### 4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 The application has been accompanied by a draft Heads of Terms for a Section 106 (S106) Agreement as follows:

- **Transport**
  - Footbridge - A financial contribution of up to £500,000 to enable the delivery by Network Rail of a pedestrian footbridge over the railway line in the south-east corner of the site.
  - Cycle parking - A financial contribution of £27,500 (£50 per dwelling) towards the delivery of additional cycle parking within Althorne Station.
  - Transport interchange - To deliver a Transport Interchange on land Adjacent to Althorne Station.
  - Althorne Station enhancements - A financial contribution of £55,000 (£100 per dwelling) for Althorne Station enhancements.
  - Highways - A financial contribution of £25,000 towards improving the capacity and safety of the junction at B1010 Maldon Road and B1021 Southminster Road / Church Road junction.
  - Off-site junction works - B1010 / B1012 junction improvement as shown in principle on SLR Consulting Ltd drawing no. 425-066-296-001-SK-11.
  - Bus services - A financial contribution of circa £2.2 million for improvements to the bus service which serves Althorne station.
  - Accessibility - A financial contribution of £82,500 for accessibility improvements for walking and cycling.
- **Green Infrastructure**
  - A financial contribution of £27,500 (£50 per dwelling) to improve Althorne Playing Fields.

- A financial contribution of £27,500 (£50 per dwelling) towards public art throughout the site.
- A financial contribution towards 'high priority' projects set out within the Maldon Green Infrastructure Strategy SPD (2019):
  - £5,000 towards community green spaces
  - £5,000 towards Maldon's hidden landscapes
  - £10,000 towards the Railway Multi-Access Trail
  - £10,000 towards the Blackwater Greenway
  - £10,000 towards the River Crouch Greenway
- The transfer of the District Park to a community land trust or equivalent third-sector management body.
- Financial contribution of £93,197.50 (£169.45 per dwelling 2025/26 tariff) towards Essex RAMS.
- A financial contribution of £27,500 (£50 per dwelling) for the improvements to sports and leisure facilities in Burnham-on-Crouch.
- **Housing**
  - 40% of all homes to be delivered either on site and/or through a commuted sum.
  - 80% of dwellings to be provided M4(2) standards
  - 10% of market and 25% of affordable homes to be provided to M4(3) standards.
- **Community Infrastructure**
  - A financial contribution and provision of land for an Early Years Facility to be delivered.
  - Provision of 2 hectares of land with associated services for a new primary school.
  - An additional 49.5 EY&C places would be required, contributions of £24,416 per new EY&C places is sought.
  - An additional 165 primary places would be required, contributions of £24,416 per new primary place is sought.
  - An additional 110 secondary places would be required, contributions of £29,579 per new secondary school place is sought.
  - School transport contributions of £4,384, applying a cost per pupil of £19.88 per Primary pupil and £654,170 applying a cost per pupil of £6.26, per Secondary pupil.
  - A financial contribution of £55,000 (£100 per dwelling) towards improvements to Althorne Parish Hall.
  - A financial contribution of £272,900 to create the additional primary care floorspace.
  - A financial contribution towards library provision of £42,790.
  - £204,000 to create additional ambulance services.

4.4.2 Pursuant to the above if the application were to be approved, various improvements to the associated infrastructure including for affordable housing education, health, other community facilities, and highways would be required in accordance with the consultees' recommendations. The position with these key requirements and details specified by the consultees are summarised below.

### Affordable Housing

- 4.4.3 The developer has agreed to provide 40% affordable dwellings to a mix and tenure as determined by the Council's Strategic Housing Services and supporting evidence, policy H1 of the LDP and SPDs.

### Education

- 4.4.4 Paragraphs 100 and 101 of the NPPF state that:

*"100. It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and*
- b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

*101. To ensure faster delivery of other public service infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development".*

- 4.4.5 The Education Authority request that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Early Years & Childcare, Primary & Secondary places, Primary & Secondary School Transport and Libraries. The contributions requested have been considered in connection with the Community Infrastructure Levy (CIL) Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services. A flexible approach is sought for the S106 agreement regarding on site provision and off-site pupil place contributions for primary school places and transport.

### Health

- 4.4.6 The NHS have advised that the proposed development will be likely to have an impact on their funding programme for the delivery of primary health care provision within the health catchment of the development which could generate approximately 1,320 new residents and subsequently increase demand upon existing constrained services. Therefore, they have advised that the developer is required to make the necessary financial contribution of £272,900 to create the additional primary care floorspace for supporting the population arising from the proposed development. The developer has agreed to pay this within the draft Heads of Terms.

### Other Community Facilities

- 4.4.7 LDP policy E3 requires new development proposals to contribute towards the provision of community and sports facilities where an increased need will arise in the local area as a result of the development. Pursuant to this the developer is offering to provide for various improvements to community facilities, although the Parish Councils do not support the application and have not commented on this aspect of the proposal, if the application were to be approved it is envisaged that agreement could be reached on financial contributions towards improvements to community facilities provided that they were commensurate with the additional needs for such facilities. This is in keeping with Policies E3, N1 and N3 of the LDP.

### Transport

- 4.4.8 The Local Highway Authority (HA) supports the major improvement proposed, in terms of capacity and safety at the junction of the Lower Burnham Road / Fambridge Road (B1010 / B1012), which is classified as a Casualty Reduction Site by Essex Highways Road Safety Team. The HA advises that this improvement will not only provide in excess of the required capacity for the development but will also improve a historic safety issue at this junction.
- 4.4.9 Further to this, the applicant is proposing a comprehensive package of sustainable improvements for walking and Passenger Transport services throughout Althorne, that will not only benefit future occupiers of the development, but existing residents as well.
- 4.4.10 The HA is satisfied that the development proposal is acceptable in highway and transportation terms, subject to a comprehensive package of mitigation measures for sustainable transport and junction improvements on the network, to be secured by condition or legal obligation.
- 4.4.11 The Council's legal advisor has confirmed that the above obligations could be secured by way of a legal agreement. This includes the Lower Burnham Road / Fambridge Road which is not currently land within the applicant's control. Notwithstanding this, a legal agreement is considered acceptable.
- 4.4.12 Network Rail and Greater Anglia are supportive of the above obligations which are necessary due to increased usage of the train station resulting from the proposed development.

### RAMS

- 4.4.13 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**

#### Residential Element

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and paragraph 47 of the NPPF require planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case

the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 5.1.2 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 14 key principles in policy and decision making set out in the Policy. These include 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 Policy S2 of the LDP allocates sites for strategic housing development in the main towns and LDP Policy S8 steers other new development towards the existing urban areas. Althorne is identified as a ‘smaller village’ which is defined in the policy as a settlement *‘containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities’*. Although Policy S8 allows for limited development outside defined boundaries in the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon, this is provided it is for specified purposes that do not include new build general residential properties.
- 5.1.4 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 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 / 224, which stated there was a 6.3 years supply.
- 5.1.5 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.
- 5.1.6 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination’*.
- 5.1.7 Since the application site lies outside of the defined settlement boundary for Althorne and is not allocated for development, the proposal for 550 new dwellings would clearly exceed the amount of development planned for on sites allocated for strategic housing growth in the Maldon LDP under policy S2 of the LDP. Furthermore, Althorne is not a village identified for strategic growth. Whilst Policy S2 states a

proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities and the rural economy, it also notes that strategic growth within the rural villages will be related to the settlement hierarchy, reflecting the size, function, and physical capacity of the settlement. Development should not result in unsustainable spatial patterns to the detriment of the wider area. The population of Althorne was 1,195 in 2023 (ref. Rural Facilities Survey) and the addition of 550 dwellings would more than double the population of the village.

- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan. An assessment of the planning balance is provided later in this report.

### Education

- 5.1.9 The proposal includes land for Early Years Facility (Use Class E(f) and Primary School provision (Use Class F1(a)). The early years facility would be located on the 'flag land', in the northern part of the site adjacent to the B1010. The primary school site is proposed within the northwestern corner of the main part of the site.
- 5.1.10 Policy S8 at criterion (c) provides for community services and facilities to meet local need (in accordance with Policy E3). Policy E3 requires new development proposals to *"contribute towards the provision of community facilities where an increased need will arise in the local areas as a result of the development..."*. In this case, the development would generate a need for education provision. The Education Authority has confirmed that the development would result in a need for early year, primary and secondary school provision.
- 5.1.11 In order to meet the early years demand Essex County Council (ECC) would require financial contributions and land to enable provision of a new nursery. The site itself would generate the need for 49.5 places.
- 5.1.12 There is currently no primary school at Althorne and the closest school, in Latchingdon, is a small village primary which is not suitable for expansion. The proposed development would result in an additional 165 primary school places being required.
- 5.1.13 The education provision proposed would meet the increased primary place need resulting from the proposed development. However, the Education Authority requests that a flexible approach is taken when agreeing any section 106 agreement regarding on site provision and off-site contributions.

### Commercial Space

- 5.1.14 The development would involve the provision of up to 1,000sqm of commercial floorspace, falling within Use Class E. These uses include shops, business use and healthcare provision and would be delivered as part of Phase 1.
- 5.1.15 Policy E2 states that *"retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of centre or out-of-centre sites be considered. To a limited extent, there is the potential to locate new retail space, in the form of Local Centres, to support that garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2"*. Therefore, given that

the site is located outside the town centre areas, and it is not a designated garden suburb, its need and impact on the existing retail areas and town centres should be assessed.

- 5.1.16 Policy E3 states that the Council will “*retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community*”. The policy goes on to say that “proposals which improve the provision of, and accessibility to, community services and facilities will be encouraged”.
- 5.1.17 Guidance in the Althorne VDS (page 24) states that “*commerce and industry is important to the village both for employment and for the services/facilities provided*”.
- 5.1.18 The submitted statement suggests that the commercial space is intended to serve the needs of the development and Althorne more widely. Given the distance of Althorne from other main towns, and the lack of facilities within the village itself, it is accepted that the commercial element would most likely be aimed at the residents of the proposed development or wider village. It is acknowledged that the proposed development is of a scale that could justify the need for new retail space to support the population growth. The provision would therefore support the future occupiers and would reduce the need to travel further afield to the larger towns and villages such as Latchingdon, Southminster and Burnham-on-Crouch for day-to-day essentials. In addition, the floorspace would not exceed 1,000sqm and therefore does not warrant an Impact Assessment as set out in Policy E2. On that basis, it is considered that there is no other place sequentially that could be better in accommodating this element of the development.
- 5.1.19 Also, taking into account the scale and limited number of shops proposed, it is not considered that the proposed retail units would detrimentally impact on the vitality or viability of the existing provision in nearby towns and villages. Notwithstanding the above, an assessment has to be made as to whether the siting of the proposed commercial units is accessible and sustainable. This is addressed in the section below.
- 5.1.20 The amendments to The Town and Country Planning (Use Classes) Order 1987 (as amended), revoked Use Classes A, B and D. This resulted in the provision of shops, financial and professional services, restaurants, indoor sport, recreation, or fitness uses, medical and health services, day nurseries and business uses that are suitable for residential areas being combined into new Use Class E. Therefore, it is not only retail uses that could be provided in the units and as such the principle of the other forms of development allowed under Use Class E need to be considered.
- 5.1.21 Firstly, it must be recognised that in amending the Use Class Orders the Government were seeking to provide more flexibility to local centres in terms of the uses that could occupy them. Mixed uses also have the potential to add to the vibrancy and vitality of an area and improve services available in a rural area. Furthermore, Policy I2 seeks to maximise accessibility to services through better service integration and locating new services where access can be improved, whilst also ensuring greater opportunities for higher levels of physical activities. On this basis, it would not be reasonable to solely restrict the commercial element to retail uses only.
- 5.1.22 Further to the above, Policy E1 of the LDP states that new provision for high quality employment space outside of the designated allocations, will be considered favourable subject to design, environment and infrastructure considerations. Given the small scale of the commercial element and any potential business use, it is unlikely that this element of the development when considered in isolation would



impact negatively on the existing infrastructure but would provide an offering to the local community.

- 5.1.23 A Market Report prepared by Coke Gearing Consulting, dated 16 December 2024, has been submitted in support of the application which considers the proposed commercial elements of the proposal including retail, office and day nursery. The report refers to the closure of the village's post office and convenience store and consider the proposal presents an opportunity to re-introduce these services.
- 5.1.24 The report concludes that the proposed development, if completed, would be commercially viable and provide much needed additional convenience retail and community uses. It considers there would be sufficient demand to absorb the 1,000sqm of proposed Class E floorspace and that the scale of development proposed is appropriate to the market in the immediate area and will address a particular need for quality convenience and community uses.
- 5.1.25 If the entire 1,000sqm of floorspace were to be provided for one particular strand of the uses allowed under Class E then the commercial element would not be successful in serving the needs of the existing and future community. On this basis, it is considered reasonable that a condition should be imposed ensuring that a proportion of the commercial development is delivered as Use Class E(a) (display for retail sale of goods, other than hot food). The Market Report provides a suggested potential mix of uses which could be used as a basis to inform a planning condition if the application were to be approved.

#### Best and Most Versatile Agricultural Land

- 5.1.26 The application is supported by an Agricultural Land Classification Report, prepared by Roberts Environmental Ltd. The report found that the site does not contain best and most versatile agricultural land. On this basis, there is no objection to the loss of agricultural land.

#### Sustainability

- 5.1.27 It is necessary to assess whether the proposed development comprises '*sustainable development*' as defined in the NPPF. If the proposal 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*

- 5.1.28 As set out above, the application has been supported by a Draft Heads of Terms which sets out a number of contributions towards infrastructure improvements and provision of services and facilities to serve Althorne and the surrounding area.

- 5.1.29 Chapter 9 of the NPPF relates to sustainable transport. In terms of environmental sustainability this is particularly relevant at para. 110 which states:

*"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air*

*quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

- 5.1.30 In addition, para. 115 of the NPPF states that in considering applications for development it should be ensured that *“sustainable transport modes are prioritised taking into account the vision for the site, the type of development and its location”*. This represents a shift in emphasis compared with the previous version of the NPPF, which stated that *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up...”*.
- 5.1.31 The site is adjacent to the Crouch Valley Railway Line providing a service between Southminster to the east and Wickford to the west. From Wickford, there are services into London Liverpool Street. The line is single track throughout, with a passing loop at North Fambridge. Regular services operate throughout the day and evening.
- 5.1.32 The station is currently detached from the main residential part of Althorne and is accessed from Station Road which is a narrow, unlit road and a lack of a footway. No buses serve the station. Accordingly, the station is not currently easily accessed by pedestrians and cyclists.
- 5.1.33 As set out in section 4.4 above, the proposal includes a comprehensive package of transport improvements. In terms of bus services, ECC requested a contribution in the region of c.£2m to provide two new bus routes serving the site; one between Burnham-on-Crouch and Maldon and another between Burnham-on-Crouch and South Woodham Ferrers. This would give an hourly service between the development and Burnham-on-Crouch, with a two hourly service between the site and both South Woodham Ferrers and Maldon. These would operate broadly 7am-7pm daily, with an additional two hourly operation on the Maldon to Burnham-on-Crouch service Monday to Saturday evenings. A transport interchange at Althorne Station is proposed which would include bus stops, taxi area, pick up / drop off points is also proposed together with a financial contribution towards general station enhancements. These measures would make the site itself, and the train station more accessible, and provide a genuine choice of transport as an alternative to the private car. These improvements would make the possibility of accessing larger settlements a more realistic prospect and would also benefit existing residents in the village.
- 5.1.34 A key to a location’s accessibility, is access to day-to-day services and facilities. The proposal includes provision for a day nursery, a primary school and commercial uses. The loss of the village’s post office and convenience store could be re-provided through the commercial uses provided. Given that access to a convenience store would be critical, it would be appropriate to ensure provision of a retail unit as a convenience store is provided through a planning obligation at an early stage of development.
- 5.1.35 Although the village is currently an unsustainable location, the measures proposed in the application both through on site provision and as planning obligations, would reduce the need for future (and existing) occupants to travel by car to meet their day to day needs. The development can be made sustainable through the choice of transport modes proposed through improvements to the train station and new bus services.

### *Economic Dimension*

- 5.1.36 The proposal would result in economic benefits through the construction phase of development, through the creation of jobs which would be significant due to the scale of the proposed development. Following occupation, due to the increased number of residents, the vitality of existing facilities and services would be enhanced through increased usage and an uplift in spend. This benefit would extend to the wider economy as well through the upgrade in bus provision and train enhancements including access to the station.

### *Social Dimension*

- 5.1.37 The proposal would provide a significant number of homes in the District where there is currently a shortfall in the 5YHLS. The proposal comprises 40% affordable housing provision, which is policy compliant, and would greatly assist meeting the need for affordable housing in the District. The proposals would help the vitality of the village by accommodating new residents in the settlement, creating new community facilities and green infrastructure, including a district park, all of which contribute to the general health and well-being of residents.

### *Summary of principle of development*

- 5.1.38 The site is within the countryside and is currently considered to be an unsustainable location. However, through the enhancements to public transport and the provision of education facilities and commercial facilities, officers are satisfied that the site can be made sustainable in accordance with para. 110 of the NPPF and that the principle of development can be supported.

## **5.2 Housing Need**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need, and 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 National Planning Policy Guidance (NPPG) 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.
- 5.2.2 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.
- 5.2.3 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. The Applicant's Planning Statement confirms that the market mix of housing would be in accordance with that set out in the LHNA therefore the proposal would provide between 65% and 85% of 2- and 3-bedroom homes.
- 5.2.4 It is a key component of the planning system, including guidance contained within the NPPF, that the right type of housing is delivered for the community. This also relates to the provision of older person housing. The LHNA identifies that there is a projected shortfall of 1,428 dwellings by 2040 for age-restricted housing, housing with support

and housing with care. The need for older people housing equates to 23.2% of all housing need, with the need for older person rented accommodation projected to rise by 260 units by 2040. Furthermore, as shown on the submitted Heights Plan parameter plan, there are areas within the residential parcels where heights would be restricted to a single storey thus providing bungalows to further meet the needs of the District.

- 5.2.5 If the application were to be approved a condition would be required to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters met 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 be required to provide 220 affordable dwellings on site.
- 5.3.2 Annex 2 of the NPPF defines Affordable Housing as "*housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*".
- 5.3.3 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.
- 5.3.4 The site falls within the sub-area of Rural South where there is a requirement of 40% Affordable Housing. The LHNA identifies a tenure split of 75% Affordable/Social Rented and 25% Intermediate Housing. The Government is now proposing First Homes as an Intermediate Housing product and if this option of Intermediate tenure is pursued, the Council would agree to the Government's criteria set for this form of Affordable Housing.
- 5.3.5 The LHNA 2021 identifies a tenure mix of 75% Affordable / Social Rented and 25% Intermediate Affordable Housing. The breakdown of sizes of Market and Affordable units is as follows:

#### "Market

- 1-bed - Up to 10%
- 2-bed - 25-35%
- 3-bed - 40-50%
- 4-bed+ - 15-25%

#### Affordable Ownership

- 1-bed - 15-25%
- 2-bed - 35-45%
- 3-bed - 25-35%
- 4-bed+ - 5-15%

Affordable Rented  
1-bed - 30-40%  
2-bed - 30-40%  
3-bed - 20-30%  
4-bed+ - Up to 10%"

- 5.3.6 The Applicant has advised that the scheme will deliver the required 40% Affordable Housing provision and will therefore be policy compliant (Policy H1), and a condition can be imposed ensuring that affordable units will meet Nationally Described Space Standards.
- 5.3.7 Also stipulated in this document is the need to consider requiring all tenures to meet the M4(2) standards as a starting point - which are similar to the Lifetime Homes Standards - and at least 10% of homes meeting Part M4(3) – wheelchair user dwellings (with a higher percentage for affordable housing). The Planning Statement confirms that the scheme will deliver the wheelchair and accessibility standards across both the market and affordable housing as set out in the LHNA.
- 5.3.8 The Housing Team fully supports the application and have advised that the affordable units need to be developed to Nationally Described Space Standards and that the gross costs of the affordable units (rent / service charge) have to be within Maldon District Council's Strategic Tenancy Strategy. The scheme will need to be delivered by a Registered Provider / Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England. Further the Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Strategic Housing Services as part of the Section 106 Agreement.
- 5.3.9 A Section 106 Agreement would ensure that the above requirements are met, it would also ensure that:
- 25% of the affordable home ownership products would be provided as First Homes to meet the requirements of the NPPF
  - as many of the dwellings as possible would meet M4(2) standards
  - 10% of homes would meet Part M4(3) - wheelchair user dwellings, with a higher percentage being provided within the affordable housing units
  - the gross costs of the affordable units (rent / service charge) will be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England
  - an Affordable Scheme detailing tenure, cost, allocation of units
  - the Affordable units are required to meet Nationally Described Space Standards
- 5.3.10 The Developer has expressed their willingness to provide the units either on site or through a commuted sum within the Draft Heads of Terms. It is also noted that the consultation response from Strategic Housing Services dated 1 December 2022, expresses a willingness to discuss the potential for a financial contribution to be provided in order to provide a delivery of affordable housing throughout the district to meet the needs of the district's residents as a whole. However, in the Strategic Housing Services response of 21 November 2023, this position was altered to state that affordable housing should be provided on site unless the Developer is able to present a case that there should be a contribution to reduce the onsite provision. On this basis, Policy H1 specifies that only in exceptional circumstances where it is

justified that affordable housing cannot be delivered on-site or that the District's need for affordable housing can be better satisfied through this route will commuted sums be accepted. Given that no exceptional circumstances have been put forward and there is no evidence to suggest the District's need could be better satisfied off site, the provision of affordable housing should be met onsite. As stated above this can be secured through the S106.

## **5.4 Landscape and Visual Impact**

- 5.4.1 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.
- 5.4.2 The Althorne VDS on page 7 states that *"Overall the landscape is highly sensitive to change", that the "open nature of the area is visually sensitive to new development" and that new development may "disturb the strong sense of tranquillity"*. The guidance set out on page 8 seeks to conserve the rural character and long distance views and to ensure new development is well integrated into the surrounding landscape and responds to historic settlement pattern and scale. Guidance on page 16 seeks to conserve the panoramic long distance views to the south and states that no development should be allowed which would compromise this openness.
- 5.4.3 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..."*.
- 5.4.4 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..."*. For clarification, the submitted documents and reviews regarding landscape and visual impacts refer to para. 174(a) as they were prepared prior to the 2024 amendments to the NPPF in which the relevant paragraph is now 187(a).

### *Landscape Context*

- 5.4.5 At a national and regional scale, the site is on the boundary between National Character Area (NCA) 81, Greater Thames Estuary (which covers the majority of the site and land to the west, east and south of the site), and NCA 111, Northern Thames Basin, (which covers the northern edge of the site and land to the north).
- 5.4.6 At a county level the Essex Landscape Character Assessment (Chris Blandford Associations (CBA) February 2003) classifies the application site as being in Character Area F2, Coastal Landscapes, Crouch and Roach Farmland.

- 5.4.7 At a district level the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (CBA, September 2006) classifies the site as being within landscape Character Area D9, Drained Estuarine Marsh Landscapes - Fambridge Drained Estuarine Marsh.

*Landscape and Visual Impact Assessment*

- 5.4.8 The application is supported by a LVIA in Chapter D of the ES, undertaken by SLR Consulting Ltd. This LVIA was undertaken for the original scheme which comprised 750 homes. The assessment set out below identifies the LVIA and subsequent reviews and information in chronological order, including the assessment of the revised scheme for 550 homes.
- 5.4.9 The LVIA provides a summary of the key characteristics of the above assessments at paras D4.1 to D4.10 on pages 9-11). The LVIA concludes *“that the landscape of the River Crouch Valley, including the Crouch and Roach Farmlands north of Canewdon, the estuarine landscapes of the river, and the Fambridge Drained Estuarine Marsh to the north of the river (including the application site) should be considered as a valued landscape in the sense of paragraph 174(a) of the NPPF, due to its generally good scenic quality, distinctive landform and overall natural heritage value”*.
- 5.4.10 However, it concluded the Landscape Impact Assessment at para. D8.4 as follows:  
*“The proposed development would result in localised significant landscape effects on those parts of the valley side fields receptor where residential development would be located. All other landscape effects would be less than significant, including the local area of the Fambridge Drained Estuarine Marsh landscape character area and also adjacent landscape character areas.”*
- 5.4.11 And the Visual Impact Assessment is concluded as:  
*“There would be potential for localised significant and negative effects for walkers on or near the site, and also for localised significant and negative visual effects for residents at Station Road and on parts of the Fambridge and Burnham Roads. All other visual effects would be less than significant.”*
- 5.4.12 The LVIA then concludes that the proposal would result in localised negative landscape and visual effects but that this is to be expected on green field sites and therefore the proposal complies with paragraph 187(a) of the NPPF.

*LVIA Review by Nigel Cowlin Ltd*

- 5.4.13 The Council commissioned an independent review of the submitted LVIA undertaken by Nigel Cowlin Ltd in November 2023 (the ‘NC Review’). The NC Review concurred with the LVIA that the areas be attributed the status of a ‘valued landscape’ in terms of para. 187(a) of the NPPF. The NC Review at para. 8.1 concluded that *“higher levels of landscape and visual harms would result than the ES LVIA suggests. It finds that the proposed development would result in a major level of harmful effect in relation to the character of the local landscape setting. It also finds that major levels of harmful effect would be experienced by people walking the sea wall and connecting footpath network within the local area of the Crouch Vale on both sides of the river. These are some quite serious harms to the character and appearance of the area. They should be regarded as ‘significant’ for the purposes of EIA and should be given appropriate weight in the planning balance”*. It acknowledges that the proposals have attempted to reduce the levels of landscape and visual harm by avoiding development on the midpoint of the hillside, however this did not mean other



development “*would not still be problematic and couldn’t be regarded to cause major harmful effects*”.

- 5.4.14 Whilst the NC Review considered that some aspects of the treatment of some of the open spaces retained within the development could be interpreted as landscape enhancement overall, the proposed development could not be interpreted as an enhancement. The NC Review concluded that “*the proposed development would cause major harmful landscape and visual effects to a valued landscape. These effects should be regarded as ‘significant’ for the purposes of EIA, they should be considered to be in conflict with NPPF 174a and, as such, should be given appropriate weight in the planning balance*”.
- 5.4.15 In January 2024, the scheme was revised to amend the red line plan and a reduction in the quantum of development from 750 homes to 550 homes. The NC Review was updated to reflect the changes, but the findings did not alter.

#### *Proposal amendments*

- 5.4.16 An updated landscape strategy and related information was submitted however, because the red line plan amendment only excluded land from the site, which was planned to be left open, there were no changes to the conclusions of the landscape and visual impact assessment within the ES (September 2022) or ES Addendum (October 2023). However, a Technical Memorandum, prepared by SLR, dated 11 January 2024, was submitted in response to the NC Review. The Technical Memorandum concluded that:
- “The review carried out by Mr Cowlin does not follow the guidance in TGN 01/20. His own assessment does not follow the recommendations of GLVIA3. As a result of his high level review of potential landscape and visual effects he has overstated the extent and degree of these effects. In contrast the SLR LVIA follows the guidance of GLVIA3 and provides a robust and thorough analysis of the potential landscape and visual effects of the proposed development.”*
- 5.4.17 Mr Cowlin provided a response to the Technical Memorandum (dated 29 January 2024) addressing the above points by confirming his methodology complied with the recommendations in GLVIA3 and whilst he didn’t refer directly to LI TGN 01/20, his review provides a suitable review and appropriate advice with consideration of landscape and visual matters. Notwithstanding the different approaches, there are fundamental differences in the overall conclusions and that Mr Cowlin stands by his findings in the NC Review.

#### *LVIA Review by Pegasus Group*

- 5.4.18 At the request of the applicant, a further LVIA review was commissioned by the LPA, undertaken by Pegasus Group, dated September 2024 (the ‘Pegasus Review’). The Pegasus Review, at para. 2.7 found issue with the approach taken in the LVIA as follows:

*“The origins of paragraphs D3.8 and D3.9 in the LVIA are unclear as they are not contained in best practice guidance. By considering placemaking and design ‘alongside’ the LVIA, misses the purpose of LVIA to consider these measures within the judgements of effects. Paragraphs D3.8 and D3.9 could be interpreted as strategically downplaying the relevance and importance of the adverse effects that are reached in the assessment. “Offsetting” the loss of open productive agricultural land within a valued landscape is unlikely to be adequately compensated by increased public access to new public open space alongside a spine road designed for occupiers of the new development, but ultimately with wider community use.”*

5.4.19 The Pegasus Review (para. 5.13) found that “the conclusions reached by the LVIA, that the effects upon landscape character of a new development comprising 550 dwellings, commercial development and a link road, would be not significant at a site level are not agreed”.

5.4.20 At para. 9.2 the Pegasus Review states:

“...the methodology is difficult to follow and landscape character effects and some visual effects are considered to have been underassessed. Pegasus judge the effects upon landscape character within the Site and immediate context to be significant, which covers a notable tract of open countryside. Significant visual effects would extend further south of the Site for longer than predicted and the proposals are judged to significantly affect the visual amenity of pedestrians within the existing village, acknowledging that road users of the B1010 would gain more fleeting views of the proposed development.”

5.4.21 The Pegasus Review found that the development “would not be sympathetic to local character and history including the surrounding built environment and landscape setting” and would “represent a significant intrusion into open countryside that the submitted LVIA acknowledges represents a valued landscape”.

#### *LVIA Review by The Landscape Workshop*

5.4.22 In addition to the two independent reviews discussed above, a review was commissioned by the Crouch Valley Defence Group, prepared by The Landscape Workshop dated November 2024, (the ‘LW Review’) and submitted to the Council on 13 November 2024. No information has been submitted regarding how the LW Review was commissioned therefore it cannot be considered an independent review as such limited weight can be given to it.

5.4.23 However, it is noted that the LW Review raises similar concerns with how the LVIA considered the valued landscape as to those expressed by the NC Review and the Pegasus Review. Notably, it concludes that *“The development’s density and location are not in keeping with the local character and historical context, including the surrounding built environment and landscape. Furthermore, the proposed densities are deemed incompatible with the unique landscape and existing development context of this particular site”*.

5.4.24 The LW Review goes on to say that “the proposal intrudes significantly into open countryside, a valued landscape as recognised under NPPF paragraph 180(a) and acknowledged within the above assessment. This intrusion represents a substantial policy conflict, particularly with Policy S8 of the adopted Local Plan. Here, the countryside’s agreed elevated landscape value, intrinsic character, and aesthetic beauty are not preserved. Policy D1 further emphasises this issue, as the development fails to respect or enhance the established landscape setting, with the elevated density appearing starkly incongruent with the local context.”

#### *Summary of landscape and visual impact*

5.4.25 It is agreed by all consultants: SLR who prepared the LVIA and subsequent review and Technical Memorandum; Nigel Cowlin Ltd who reviewed the LVIA on behalf of the LPA; Pegasus Group who also reviewed the LVIA on behalf of the LPA; and The Landscape Workshop who reviewed the LVIA on behalf of the Crouch Valley Defence Group, that the site represents a valued landscape for the purposes of 187(a) of the NPPF.

- 5.4.26 The LVIA concludes that the proposals would conserve the overall character of the area by causing less than significant effects on all of the character receptors, and by ensuring that significant visual effects remain localised. This is not agreed by the reviews undertaken by the Council's two consultants or The Landscape Workshop, all of whom conclude the effects of the development to be significant. Accordingly, the proposed development would result in significant effects to a valued landscape, contrary to the relevant LPD policies, guidance in the Althorne VDS and guidance contained in the NPPF, specifically paras 135(c) and 187(a).

## 5.5 Layout

- 5.5.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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...."*

- 5.5.2 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 such as design guides and codes...."*

- 5.5.3 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.

- 5.5.4 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.

- 5.5.5 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.
- 5.5.6 Whilst the above policy requirements are all of relevance to the proposal, the application is in outline with all matters except access reserved and therefore at this stage landscape impact and layout are the main considerations in design terms. As stated at paragraph 3.1.12 above, the access relates to the access within the site, which to some extent defines the layout of the scheme.
- 5.5.7 The application has been supported by a number of plans that would form part of the Outline Planning Permission (403.065094.00001.003REVC Parameters Height Plan, 403.065094.00001.001 Rev O Landscape Strategy, 751-F030 Rev J Proposed Development Parcels, 751-F031 Rev F Proposed Land Uses). If the development were considered to be acceptable the parameters proposed in these plans would need be secured by a condition requiring that they form the basis for design principles to be followed in detailed proposals submitted under any applications for approval of reserved matters.
- 5.5.8 The Development Parcels parameter plan shows development parcels A – H. Parcels A and B, in the north eastern part of the site, adjacent to the B1010, comprise mixed use commercial and residential nearest to the B1010 and residential to the rear. Parcel C comprises the early years centre and Parcel D comprises the primary school. The remaining parcels would be for residential development. Due to the topography of the site, the land between Parcels D and A to the north and F and G to the south would comprise the district park. The proposed access road, with bus route, would enter the site in the north eastern corner from the B1010, travel between Parcels A and B, the proceed down the site, near the eastern boundary, before turning towards the west and continuing to the train station.
- 5.5.9 The overall layout of the development parcels and open space is generally acceptable. The application is accompanied by a Character Study, Design Code and Access Statement, prepared by SKArchitects, which shows how the different parts of the site could be developed in terms of difference character areas. This would be considered in detail as reserved matters stage.

## **5.6 Impact on Heritage Assets**

- 5.6.1 The proposal would affect the setting and significance of two heritage assets:
- The Parish Church of St Andrew, Fambridge Road, Althorne a grade II\* listed building
  - The Old Forge, Burnham Road, Althorne a locally listed non-designated heritage asset
- 5.6.2 During the lifetime of the application the War Memorial at the northern end of Station Road was designated as a Grade II listed building (21 June 2023). However, the amendments to the application in October 2023 and January 2024 have omitted the previous proposals for the widening and realignment to the road adjacent to the War Memorial. Therefore, the revised scheme would not have an impact on the setting or significance of the War Memorial. The application is supported by a revised Heritage Statement.

### *The Parish Church of St Andrew*

- 5.6.3 The church is the oldest and most significant building in the parish of Althorne and its tower is considered a local landmark, as set out within the consultation response from the Principal Conservation and Heritage Officer. The outstanding architectural and historic interest of the building is acknowledged by its Grade II\* listing. Due to the positioning of the church on top of a hill, there are some long views of the tower, including along Burnham Road to the north of the settlement. The clearest views outside of the churchyard are from Fambridge Road to the south, including what would be Parcel C of the development. However, as acknowledged by the specialist, the views from these locations are intermittent and filtered by vegetation. Therefore, it is deemed that the land proposed for Parcel C does contribute to the setting and significance of the church as a remnant of its historical context. However, the contribution of the land to an appreciation of the building's significance is modest, due to the restricted visibility and the nature of the ribbon development which characterises Fambridge Road and Burnham Road.
- 5.6.4 The provision of the Early Years Facility would result in a more urbanised character within the wider setting of the parish church. Whilst some certain views of the church would remain, some of the current intermittent and filtered views from the meadow would be interrupted by built form. In accordance with the consultation response and having regard to the submitted Heritage Statement whilst the impacts on the views could have an adverse impact on the significance of the church, the harm would be a low level of 'less than substantial harm'. This harm must be weighed against the public benefits of the proposal which can be found in the heritage balance at section 5.14.

### *The Old Forge*

- 5.6.5 The Old Forge is regarded as a non-designated heritage asset in respect of paragraph 203 of the NPPF. Its significance is primarily architectural, as an attractive and reasonably well-preserved group of vernacular Georgian cottages.
- 5.6.6 The field that would become Parcels A and B, located to the south of the heritage asset, due to its undeveloped nature assists in the appreciation of the cottage's historic rural context. However, as set out in the consultation response the contribution of the application site to the significance of The Old Forge, as an element of its setting, is modest.
- 5.6.7 On the basis of the above, whilst the development would alter the main remaining component of the properties partially rural setting, it is not an isolated cottage but is seen within the ribbon developed street scene, as acknowledged by the consultee. Also, there is no known relationship between the application site and the cottage. Whilst there would be some harm to the significance of the building through the erosion of its semi-rural setting, the degree of harm would be low, subject to the design and landscaping of the development which will be addressed through Reserved Matters. This harm must be weighed within the heritage balance which can be found at section 5.14.

## **5.7 Impact on the Residential Amenity of Future and Existing Occupiers**

- 5.7.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.7.2 The application is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance, and layout, being reserved for future consideration. Given that the matters mentioned above are subject to submission and revision and considering the limited level of information provided with the application, it is not possible to fully assess the impact of the proposal on residential amenity.
- 5.7.3 Notwithstanding the above, it is clear from the submitted information that the proposed development would result in up to 550 dwellings and commercial uses, which will inevitably increase levels of activity on site in comparison to the existing use. The site abuts residential development fronting the B1010, as well as dwellings located on Station Road within the southwest corner of the site. The proposed residential development would result in a use that is compatible in terms of amenity with the adjoining residential properties and thus, it would not adversely impact upon the amenities of the neighbouring occupiers in that respect. The same applies in relation to the Local Park proposed to border the existing residential dwellings to the southwest.
- 5.7.4 The MDDG states that where new development backs on to the rear gardens of existing housing, the distances between buildings should be 25m (C 07 Residential Amenity). The Concept Plan shows that the dwellings along Station Road will abut onto the Local Park and the existing dwellings fronting the B1010 have extensive gardens in excess of 25m. Therefore, suitable separation distances between residential properties should be achievable at Reserved Matters. Having regard to the distances that can be achieved, the residential element of the scheme could be designed to minimise any unacceptable impacts to the neighbouring occupiers in terms of overlooking, a loss of light or a dominating impact. Therefore, an appropriate layout could be produced so that the amenities of the neighbouring occupiers are not detrimentally impacted.
- 5.7.5 The site would also be large enough to ensure suitable separation distances can be achieved between the proposed dwellings and this detail would be subject to an assessment at the Reserved Matters stage.
- 5.7.6 The Noise Impact Assessment (Sharps Acoustics, September 2022 and January 2024) acknowledges that windows with a higher acoustic performance and alternative means of ventilation may be required in dwellings where rooms face the railway line to the south and the B1010 to the north. The consultation response from Environmental Health does not raise any objection to this but acknowledges the need for a condition at the Reserved Matters stage securing details of any acoustic measures, should good acoustic design principles have been followed and recommended levels still not able to be achieved.
- 5.7.7 In relation to the commercial uses, whilst the uses would fall within Use Class E, which are generally compatible with residential areas, there is still potential for detrimental noise impacts on the amenity of the existing and proposed residential properties through vehicle movements, loading / unloading and noise from mechanical services. Therefore, given this and the fact that the precise location of the commercial units is not known at this stage, a condition should be imposed requiring further assessment of the commercial units. The mitigation measures that are identified by this assessment can then be conditioned. This supports the comments made by Environmental Health.
- 5.7.8 The Noise Impact Assessment also considers noise impacts arising from traffic flows and finds that the noise impacts would be below the Lowest Observable Adverse Level Effect (LOAEL). On this basis, no concerns are raised.

- 5.7.9 An assessment of vibration levels was also presented in the Noise Impact Assessment which demonstrate that even at a distance of 12m from the rail line, there would be no adverse vibration effects affecting the proposed development.

## **5.8 Access, Public Transport and Highway Safety**

- 5.8.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.8.2 The proposed development is outline in nature, with all matters reserved. Therefore, the matters in relation to access and the layout and provision of car parking would be assessed at the detailed stage. However, it is prudent to provide comment on these matters at this stage.
- 5.8.3 Chapter E of the ES was prepared by COTTEE Transport Planning and considers the traffic related effects of the proposed development and includes a Transport Assessment. Throughout the lifetime of the application, following objections from ECC Highways Authority and subsequent consultation, there have been a number of transport related amendments to the proposals. For clarity, this report only considers the latest proposals and response from ECC Highways ('ECCH'). In summary, ECCH are satisfied the proposal is acceptable in highway and transportation terms. This is subject to a comprehensive package of mitigation measure for sustainable transport and junction improvements on the network which would be secured via conditions and a legal agreement. ECCH advises that *"The submitted Transport information is considered robust, and the Highway Authority is satisfied that the development will not have a significant or severe impact at this location, or on the wider highway network."*

### Access

- 5.8.4 The proposals include three access points as set out below.
- 5.8.5 A new priority junction, including right turn lanes, from the B1010 Burnham Road opposite The Three Horseshoes Public House is proposed. Pedestrian and cycle access would be provided by a 2m footway on the eastern side and a 3.5m shared pedestrian / cycleway on the western side. Footway connections to tie in with existing footways and new informal pedestrian crossing to the east of the junction. The access forms the start of the spine road through the site which can be used to access all residential dwellings and the Althorne Station transport hub (no vehicular access is provided to Althorne Station via the site except for buses and emergency vehicles). The access has been subject to a Stage 1 Road Safety Audit.
- 5.8.6 The spine road would be constructed in accordance with the Essex Design Guide as a link road (type B) with a 6.75m carriageway width, a minimum centreline radius of 44m, a 3.5m shared pedestrian / cycleway on one side and a minimum 2m footway on the opposite side with 3m verges on both sides of the road. It would be subject to a 30mph speed limit and will be bus route compatible.
- 5.8.7 A new minor access to the 'flag land', from the B1010 Burnham Road, is proposed to serve the proposed early years centre. In addition, a new pedestrian / cycle



connection to access the Primary School and Early Years Centre (and the wider site) including new footways to the east of the access to connect with existing footways on the southern side of the B1010 Farnbridge Road and a new zebra crossing to provide a safe route to / from the education facilities.

- 5.8.8 There is also an existing PRow providing pedestrian access to the site.
- 5.8.9 ECCH raises no objection to the proposed accesses, subject to conditions regarding detailed design.

#### Public transport

- 5.8.10 No objections have been raised by Network Rail or Greater Anglia in regard to the application. The joint consultation response letter (dated 19 February 2024) sets out a number of improvements sought via planning obligations and conditions. The proposals include substantial upgrades to Althorne Station to incorporate a new transport hub consisting of the following:
- new pedestrian footbridge over the railway line (contribution of up to £2.5m);
  - new bus stops at Althorne Station;
  - financial contribution towards provision of a new bus service to serve Althorne Station;
  - taxi-rank and drop-off / pick-up area;
  - improved and extended car park;
  - EV (Electric Vehicle) charging points;
  - new and extended secure cycle storage;
  - kiosk to include a small shop selling coffee and snacks for example;
  - improved pedestrian facilities and paving; and
  - CCTV and wi-fi connection
- 5.8.11 The exact arrangements for the transport hub are yet to be determined and would be subject to discussions with both ECC and Network Rail and submitted through reserved matters applications.
- 5.8.12 Bus gates would allow buses to access Althorne Station through the site without having to travel on Station Road. Buses would turn within the proposed transport interchange and exit via the site to the Three Horseshoes junction. This means that all buses serving the station would also travel on the B1010 through Althorne providing an enhanced service to all surrounding residents.
- 5.8.13 Regarding bus services, the request for a financial contribution of £2m, made by ECCH in its original consultation response (22 August 2023) for the establishment of bus services serving the proposed development and surrounding villages has been agreed by the Applicant (see Planning Statement Addendum October 2023 Section 6). These bus services would broadly operate from 7am-7pm daily, linking Burnham-on-Crouch with Maldon and South Woodham Ferrers, collectively providing an hourly service [eastwards] between Althorne and Burnham-on-Crouch and a two hourly service [westwards] between Althorne and Maldon / South Woodham Ferrers alternately.
- 5.8.14 ECCH has considered the proposals and advised that *“the applicant is proposing a comprehensive package of sustainable improvements for walking and Passenger Transport services throughout Althorne, that will not only benefit future occupiers of the development, but existing residents as well”*.

### Highway Improvements

- 5.8.15 The proposal includes off-site junction improvements at the B1010 / Fambridge Road / Lower Burnham Road junction with the design comprising a new roundabout with supporting road safety measures to reduce congestion and delay on the existing highway network. A Stage 1 Road Safety Audit has been carried out on the proposed junction. Details of the proposed junction and capacity assessments were submitted in the Transport Safety Addendum and appendices, dated 21 May 2025.
- 5.8.16 ECCH considered the revised information and, in its response dated 18 July 2025, advised that “The applicant is offering a major improvement, in terms of capacity and safety, at the junction of the Lower Burnham Road / Fambridge Road (B1010 / B1012), which is classified as a Casualty Reduction Site by Essex Highways Road Safety Team. This improvement will not only provide in excess of the required capacity for the development but will also improve a historic safety issue at this junction.”
- 5.8.17 Other off-site highway works within the village are proposed including pedestrian crossings, footway widening and improvement and speed reduction measures. These are also supported by ECCH subject to conditions.
- 5.8.18 On this basis, the proposed highway improvements are supported.

### Parking Provision

- 5.8.19 The Council's adopted VPS SPD contains the Council's parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.8.20 It is noted that the application has been submitted in outline and limited details for off-street parking have been provided with the application. Should permission be granted a condition to secure off-street parking provision for the development that is compliant with the VPS would be imposed.

## **5.9 Private Amenity Space**

- 5.9.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure, and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

- 5.9.2 The development has been submitted in outline, with matters of layout, scale, appearance and landscape being reserved for future consideration. No details of the size of the private gardens of the proposed dwellings have been submitted, but this would be a matter for further consideration at a reserved matters stage and thus, an objection would be unreasonable to be raised at this stage in relation to provision of private amenity space.

## **5.10 Flood Risk and Sustainable Urban Drainage**

- 5.10.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.10.2 The water resources section of the ES was prepared by Richard Jackson Engineering Consultants. Following the revisions to the application, reducing the number of dwellings to 550, a Flood Risk Assessment (FRA) Addendum was submitted. The amended scheme resulted in the removal of land within the areas of Flood Zone 3a, leaving the development sited entirely within Flood Zone 1 (low probability of flooding).
- 5.10.3 The Environment Agency ('EA') initially advised that due to the site's location partly within Flood Zone 3a, the development would be required to pass the sequential and exception tests. However, as the site is now wholly within Flood Zone 1, the EA advises the previous comments are not relevant and that there is no concern from a flood risk perspective. In terms of water resources, the EA advises that the site's location is within an area of serious water stress and that the proposals should consider where the water will be sourced from.
- 5.10.4 The Lead Local Flood Authority (LLFA) have been consulted on the FRA and have raised no objection subject to conditions requiring:
- a detailed surface water drainage scheme
  - a scheme to minimise the risk of offsite flood caused during the construction works
  - a maintenance plan for the surface water drainage system
  - yearly logs of maintenance
  - condition survey of existing pipes within the site.
- 5.10.5 Having considered the comments made by the EA and LLFA, subject to the imposition of the above conditions if the application were to be approved, there is no objection raised in respect of flood risk and drainage.

## **5.11 Green and Blue Infrastructure**

- 5.11.1 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.
- 5.11.2 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.

- 5.11.3 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that: *“The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development.”*
- 5.11.4 MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.
- 5.11.5 Paragraph 131 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Also, it refers in paragraph 135 (e) to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

#### *District Park*

- 5.11.6 The proposal includes the creation of a new 16 hectare District Park. The LDP specifies that the District Park is to be located in Heybridge or Maldon, and therefore consideration by Officers is needed as to whether it would be appropriate in this location.
- 5.11.7 The Maldon Green Infrastructure Strategy (GIS) sets a distance standard of 5km for District Parks; at present a number of villages in the Rural South area are further than 5km from any of the three existing district parks. The 5km distance would make the new District Park accessible (by the Council's standards) to at least c.20,000 people, including a significant number who are currently more than 5km from the existing district parks in Maldon / Heybridge and Burnham-on-Crouch.
- 5.11.8 The proposed District Park is located adjacent to Althorne Railway Station making it accessible by both rail and bus services. It would also provide a small car park for those wanting to visit by car.
- 5.11.9 The GIS identifies that access to the coast can be difficult and that there is a lack of information on local landscape, which is not fully promoted. At present, other than public footpaths along the eastern part of the site and on Station Road, the wider site is inaccessible to the public. The delivery of a new park, along with new greenways, play areas, street furniture and information boards would help to improve access to and understanding of the local landscape in line with this objective in the GIS.
- 5.11.10 Natural England (NE) has been consulted on the provision of the district park and has provided a number of responses to date requesting further information. NE supports the provision of the district park as it would provide a Suitable Alternative Natural Greenspace (SANG) which would divert visitors from the coast. SANG are intended to provide avoidance measures for the potential impact of residential development on the SPA by preventing an increase in visitor pressure on the Special

Protection Area (SPA). Of particular relevance is the request for the provision of a circular walk of at least 2.3km, which is an essential component of SANG as per NE SANG Guidelines 2021.

- 5.11.11 NE requested further information showing location of acoustic screening and pet-proof fencing, amendment of HRA to clarify quantity of SANG, amendment of footpath connecting Local and District Parks, illustration of a 2.3km walking route to be shown in a plan, provision of footbridge over Sustainable Drainage Systems (SUDS) swale, clarification of car park quantum associated with District Park, clarification that District Park will be open to new residents prior to Phase 1 occupation, and conditions (provision of SANG management plan, information boards, Construction and Environmental Management Plan (CEMP) and Biodiversity Management Plan). Further information was submitted and the latest response from NE states that the information follows NE's previous advice but suggested some minor improvements as follows:

*We would like to see more substantial tree planting around the 2.33km circular walk where the loops of the path come closer together in the southern section of the District Park. We would also like to see more screening of the circular walk by tree planting from the road which runs through the green infrastructure to improve the experience of walking in natural greenspace. If possible, the circular walk on the western side of the road in the northern section of the District Park should be moved to be further away from the road, going around the field edges rather than next to the road. In this case, the hedgerow between the fields may need to be thickened up to be a substantial screen.*

- 5.11.12 Bearing in mind the application is submitted in outline form; Officers are satisfied the submitted information provides sufficient information to demonstrate that the SANG Guidelines can be met and conditions could be imposed to secure the amendments sought. Overall, the provision of the district park is supported. It would meet the needs of the occupants of the site and beyond together with providing a SANG within the District.

*Other open space*

- 5.11.13 A 3.3 hectare local park is proposed to the east of Station Road, north of the railway line. Allotments and a community orchard are proposed to the south of the District Park. Play areas are proposed across the site.

*Blue infrastructure*

- 5.11.14 Blue infrastructure includes SUDS. The main drainage feature would include a 10m wide swale corridor alongside the access road running from the northern part of the site, down the slope, to the site's southern boundary, adjacent to the railway line. Full details of the blue infrastructure would be required at reserved matters stage.

*Summary*

- 5.11.15 The application is submitted in outline, but the Parameters Plan illustrates the layout of the scheme, including the provision of public open space. In all, a substantial level of open space is provided, in part due to the need to mitigate the visual impacts of the development as highlighted earlier in this report. The provision of open space in this instance is considered to be an extensive offering and accords in the LDP and MDDG.

## 5.12 Nature Conservation and Biodiversity

- 5.12.1 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*'.
- 5.12.2 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.
- 5.12.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. 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*

- 5.12.4 Following a holding objection from the Ecology Consultant, dated 20 February 2025, further information was submitted as 20 February 2025, we have reviewed the additional information including a Letter to Maldon District Council from Lichfields in May 2025, the Habitats Regulations Assessment (HRA) (BWB, May 2025), the Additional Plan – Ecological Mitigation and the Consultation response from NE (June 2025).
- 5.12.5 The Consultant is still not satisfied that impacts upon GCNs have been addressed. This is because the site partially lays within an Amber Risk Zone for the GCN District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)). Although the only pond onsite resulted in a "negative" eDNA test for GCN, the Ecological Impact Assessment (BWB, July 2022) (EclA) considers it likely that GCN will be accessing the site, due to a "positive" eDNA result within a pond on adjacent land to the north. The EclA provides confirmation that District Level Licencing will be applied for. However, if this approach is to be undertaken, an Impact Assessment and Conservation Payment Certificate (IACPC), countersigned by NE, will need to be submitted to the LPA prior to determination of this application. No evidence of the application to the District Level Licencing scheme has been submitted.
- 5.12.6 The updated HRA (BWB, December 2024) and the BWB Ecology Response (BWB, January 2025), outlines the required information on the clarification of bird habitat mitigation measures, clarification of noise mitigation measures, consideration of construction dust impacts, and further mitigation measures regarding public access to designated sites. This is in line with NE's requirements and is therefore considered acceptable.
- 5.12.7 The Supplementary Ecological Technical Note (BWB, January 2023) identifies only a "low" population of Slow-worm onsite, restricted to the southwest corner of the site. Furthermore, the Supplementary Ecological Technical Note (BWB, November 2023) demonstrates suitable technical information and reptile mat locations, addressing our previous comments. Therefore, The Ecology Consultant is satisfied that the LPA has certainty to the likely impacts to reptiles. A precautionary method statement for

reptiles should be produced and included within a CEMP for Biodiversity (CEMP: Biodiversity), which can be secured by condition of consent.

- 5.12.8 Five Skylark territories have been identified onsite and are likely displaced by the development. The Ecology Consultant is satisfied that the Amended Bird Mitigation Strategy (BWB, November 2023) and Potential Skylark Mitigation Areas (SLR, September 2023), outlining the provision of ten compensatory Skylark plots, are to be implemented within the red line boundary and within the applicant's control. Therefore, the LPA still has certainty of the likely impacts to these Priority species and a finalised Farmland Bird mitigation Strategy should be secured by condition of consent.
- 5.12.9 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 Recreational disturbance Avoidance and Mitigation Strategy (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.

#### *Habitats Regulations Assessment (HRA)*

- 5.12.10 The development is at a scale at which bespoke advice is given from Natural England (NE) is required. To accord with NE's requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The HRA is being undertaken by the Council's Ecology consultant and the findings from the HRA will be reported via a Members Update.
- 5.12.11 It is anticipated 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 calculated in accordance with the standard formulae) is necessary. Whilst the applicant has expressed that they are willing to enter into an agreement to secure the required mitigation given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.
- 5.12.12 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

### **5.13 Other Matters**

#### Archaeology

- 5.13.1 Chapter I of the ES considers the effects of the proposed development on below-ground archaeological assets through desk-based assessment, site visits and a geophysical survey. The application is supported by an Archaeological Desk-Based Assessment which outlines the archaeological potential of the site. The Historic Environment Officer at ECC has confirmed that the site is located within an area of historic environment potential and advises as follows:

*'The archaeological DBA assesses the archaeological potential as low-medium for the prehistoric periods and would be of medium-high importance. The medieval, post medieval and modern periods could be of medium-high potential, these are most*



*likely to be of low-medium importance. The geophysical survey identified circular features, possibly the corner of an enclosure, close to the Fambridge Road in Area 1. Possible field boundaries were also located in Area 1 to the north. A possible rectilinear enclosure with associated anomalies around it has been identified in Area 8, which could possibly be prehistoric in origin as it is close to previous Bronze Age discoveries. Undetermined anomalies were further discovered in Area 6; these appear to be more agricultural in nature. There is also the potential for structural remains of a post medieval building to be in-situ based on the historic map evidence. In addition there is always the possibility of further archaeological remains to be present that are not easily identified by geophysical survey, such as post-built building and burials.'*

- 5.13.2 Based on the above, the specialist has advised that any permitted development on site should be preceded by a programme of archaeological investigation which could be secured by an appropriate condition.

#### Contamination

- 5.13.3 The application has been supported by a Ground Conditions Report (Phase One Desk Study, Richard Jackson, May 2022), which identifies a moderate to low risk of site contamination on site, with a moderate risk from ground gases considered to be present. Therefore, in line with the comments made by Environmental Health, further intrusive investigations should be secured by a condition in order to confirm the prevailing ground conditions and assess the contamination status of the site.

#### Trees

- 5.13.4 The application has been reviewed by the Council's Arboricultural Consultant. Although, there is no objection to this outline application it is however noted that the tree constraints identified, as part of the arboricultural investigation, should be utilised to form detailed design phrases on each housing plot with retention of high category trees prioritised. In addition, an amended Arboricultural Impact Assessment with Tree Constraints Plans (once designs are known) will required to be submitted as part of any future reserved matters applications on the site.

#### NHS Property Services and Health Impact Assessment (HIA)

- 5.13.5 Policy I2 (Health and Wellbeing) of the LDP aims to improve the district's health and wellbeing through four objectives:
- '1) Addressing health issues identified in the Maldon HNA and other plans and initiatives produced by Essex Public Health, NHS England, the Mid Essex Clinical Commissioning Group, Essex Health & Wellbeing Board or any associated or successor bodies, to deliver modern healthcare which meets the needs of the District;*
  - 2) Maximising accessibility to services, particularly for vulnerable groups, through better service integration and locating new services where access can be improved;*
  - 3) Promoting suitable types of residential developments which cater for the ageing population and support healthy and independent lives; and*
  - 4) Ensuring increased access to the District's green spaces and opportunities for higher levels of physical activities.'*
- 5.13.6 The Policy also requires developments of 50 or more residential properties to undertake a HIA. Therefore, the application has been supported by a HIA (August 2022) found at Appendix J3 to the ES.

5.13.7 The Health Impact Assessment Addendum (October 2023) (Appendix 14 to the ES) identifies the following temporary impacts during the construction phase:

- Neutral impact on access to education.
- Moderate positive impact on access to work and training.
- Neutral impact on access to healthcare.
- Slight adverse effects on access to open space and nature as well as accessibility and active travel due to impacts on users of the surrounding PRow network.
- Neutral impact on access to healthy food.
- Neutral impact on social cohesion and inclusive design.
- Neutral impact on crime reduction and community safety.
- Slight adverse impacts on environmental sustainability.

5.13.8 During the operation phase the following permanent impacts of been identified:

- Impact on access to education is unknown as the delivery of the primary school is unknown at this stage. However, the impact would be neutral to major positive.
- Slight positive impacts on access to work and training.
- Neutral impact on access to healthcare services and other social infrastructure.
- Major positive regarding access to open space and nature.
- Major positive to accessibility and active travel.
- Moderate positive to housing and homes design, relating to matters such as the contribution towards the 5YHLS, accessible housing and affordable housing.
- Moderate positive relating to access to healthy food through the provision of the community orchard and allotments.
- Major positive towards social cohesion and inclusive design.
- Moderate positive towards crime reduction and community safety.
- Major positive to environmental sustainability which considers air quality, minimising the use of resources, water resources and flood risk, noise and vibration and climate change.

5.13.9 The initial HIA identified some moderate adverse impacts during the construction phase relating to the ability of residents in Bridgemarsh Lane to access education, healthcare, community infrastructure, open space and other day to-day facilities whilst construction work was taking place to upgrade Station Road. As those construction works are now omitted from the development the effects have been reduced to less adverse or neutral.

5.13.10 On the basis of the above, the proposal would not result in significant negative impacts upon healthy living. Therefore, no objection is raised in this respect. However, an assessment on the demands that are placed upon the capacity of health services and facilities arising from the development must be undertaken.

5.13.11 The NHS has been consulted on the application and note that before mitigation, the effect on primary healthcare is assessed as permanent minor adverse and permanent major (significant) adverse on secondary healthcare. However, despite questions over the sustainability of the location, the NHS accept that it would be appropriate for financial contributions to be made to mitigate the impact of the

development. The development would result in an approximate population growth of 1,320 persons, requiring an additional 90.5m<sup>2</sup> of floorspace to meet that require growth. Consequently, a financial contribution of £272,900 is required to create that additional floor space. The Developer has expressed willingness to provide a financial contribution or ring-fencing part of the commercial development to be made available for health care use, through a S106 Agreement.

5.13.12 Policy D2 of the LDP states that:

*All development must minimise its impact on the environment by incorporating the following principles:*

- (6) minimising all forms of possible pollution including air, land, water, odour, noise and light...*
- (9) Maintain and enhance local air quality in accordance with national objectives;...*

5.13.13 The application has been supported by an Air Quality Impact Assessment at Chapter K of the ES (September 2022). Following this an ES Addendum (October 2023) was provided to address the proposed amendments to the scheme. The reports confirm that subject to mitigation and monitoring measures, which are set out within Chapter K of the ES (September 2022) and the ES Addendum (October 2023) the residual impacts and significant effects on local air quality, both during the operational and constructional phases, are considered to be 'not significant'. Therefore, subject to a condition requiring the recommended mitigation and monitoring measures the air quality impacts are not of a degree which would warrant an objection. The mitigation measures would consist of things such as:

- EV charging point provision
- Provision of a Travel Plan and Travel Plan Co-ordinator.
- Provision of pedestrian and cycle paths
- The use of Air Source Heat Pumps, Photovoltaics, Ground Source Heat Air Pumps or Solar Hot Water.

5.13.14 NE has also advised in their consultation response dated 6 December 2023 that a screening distance of 200m for dust arising from construction work in relation to international sites rather than the 50m distance mention in the HRA should be secured. This can be addressed by a condition.

## **5.14 Planning Balance and Sustainability**

5.14.1 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.

5.14.2 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.”*

- 5.14.3 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.

#### *Benefits*

- 5.14.4 The main impacts of the proposal which are benefits are:

- Enhancing sustainability (noting the site's location next to an existing train station and the various proposed improvements to sustainable transport within and around the site) - substantial weight;
- Provision of a new District Park - substantial weight; This supports the NPPF para 11(d)(ii) requirement to have particular regard to securing well-designed places.
- Health and environmental benefits associated with open spaces - substantial weight. Proposed Biodiversity Net Gain (BNG) of 42% (area) and 23% (linear) on a scheme where there is no mandatory requirement to provide BNG (because the application was submitted prior to the 10% requirement being introduced). The NPPF para 96(c) now also refers to "*promoting good health and preventing ill-health*" (this is a new reference in the NPPF) in relation to the role of planning policies and decisions in achieving healthy, inclusive and safe places, giving examples (both in the previous and current NPPF) of doing so via safe and accessible green infrastructure, local shops, allotments, and layouts that encourage walking and cycling.
- Delivery of housing - very substantial weight is given to both the delivery of general market housing and affordable housing. The housing need is increasing and the Council can only demonstrate a 2.7 year supply which emphasises the weight that should be given to delivery of housing in the planning balance, notably in the context of NPPF para 11(d)(ii) requiring particular regard on provision of affordable homes. It is also noted that the NPPF now includes a new reference to mixed tenure sites (para. 71) which explicitly recognises the benefits of mixed tenure sites (which include a mixture of ownership and rental tenures, stating "*mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions...*"). The mix of tenures would be secured via a legal agreement.
- Economic benefits during the construction phase and ongoing economic benefits - each carrying significant weight.
- Developer contributions - significant weight. This is supported by para. 101 of the NPPF which states that "*significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development*". The scheme proposes a new early years facility and new primary school. The scheme includes improvements to the Lower Burnham Road/Fambridge Road junction. Which is identified by the Highways Authority as a major improvement providing wider benefits.

#### *Harms*

- 5.14.5 The main impacts of the development that are harmful are:

- Landscape: substantial adverse impacts to the character of the host landscape and harmful visual effects. The effects are not reversible. Very substantial weight.

- Heritage: a Less than substantial harm to designated heritage assets Grade II\* listed Parish Church of St Andrew and Church of St Nicholas, which carry 'great weight' in the planning balance as required by the NPPF.

Heritage asset	Importance	Degree of harm	Weight in the planning balance
Parish Church of St Andrew	High	A low level of less-than-substantial harm	Great weight
The Old Forge	Low / Moderate	A low level of harm	Moderate weight

*Table of harm identified by the Council's Principal Heritage and Conservation officer (October 2023)*

- 5.14.6 The above assessment also identifies less than substantial harm to the significance of designated heritage assets and, as required by the NPPF, great weight is given to this harm. In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal. Paragraph 212 requires that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)"*. As a Grade II\* listed building, the church falls within the top 8% of all listed buildings nationally. In accordance with sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.14.7 Considering the application of paragraph 11 d) of the NPPF, for the reasons indicated earlier, heritage assets and habitat sites do not provide a strong reason for refusing the proposed development as per paragraph 11 d) i. This means that it is necessary to consider whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies in the NPPF for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.14.8 The proposal would result in substantial adverse impacts to the character of the host landscape and harmful visual effects from various perspectives which would very substantially harm the character and appearance of the area. The NPPF seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and contributes to and enhances the natural and local environment by recognising the intrinsic character and beauty of the countryside. The adverse impacts of the development attract very substantial weight.
- 5.14.9 The harm identified in the previous paragraph would weigh very heavily against the appeal proposal and the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In reaching this view, regard is had to key policies referred to in footnote 9 of the NPPF which have been considered in reasoning and have informed the planning balance applied. Therefore, the presumption in favour of development does not apply.

## 6. ANY RELEVANT SITE HISTORY

- **22/00197/SOR** – EIA Scoping Opinion request for the proposed residential led mixed - use development of land at Althorne, to the south of the B1010 Burnham Road. **EIA Required.**
- **13/01055/OUT** - Construction of four dwellings, all matters reserved at Land at Burnham Road, Althorne. **Withdrawn**
- **14/00046/OUT**- Construction of four dwellings, all matters reserved at Land at Burnham Road, Althorne. **Appeal Dismissed 29.12.2014**
- **21/00193/FULM** - Erect 13No. dwellings comprising 8No. one and two-bedroom affordable apartments in 2 x two-storey buildings, and 5No. 4/5 bedroom two-storey detached houses with garages, form three new vehicular accesses onto Burnham Road, private drives, vehicle parking and manoeuvring areas and gardens, and lay out hard and soft landscaping. **Refused 15.10.2021**
- **13/01053/OUT** - Construction of three dwellings, all matters reserved at Land North of Althorne Station, Station Road, Althorne. **Withdrawn**
- **14/00047/OUT** - Construction of three dwellings, all matters reserved at Land North of Althorne Station Road. **Appeal Dismissed 18.02.2015**
- **18/00245/AGR** - Prior notification for an agricultural barn for grain storage, storage of machinery, general storage and workshop. **Prior Approval Refused 22.03.2018.**
- **18/00673/FUL** - Section 73A application for the creation of a farm track from the proposed barn to the adjacent highway and the proposed erection of agricultural barn with associated hardsurfaced yard. **Approved 13.09.2018**
- **16/01116/FUL** - Construction of One Dwelling. **Refused 05.12.2016**
- **17/00136/FUL** - Provision of lifetimes home bungalow. **Refused 11.04.2017**

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish/Town Councils and Neighbouring District Councils

Name of Parish / Town / District Council	Comment	Officer Response
Althorne Parish Council	<p>Object – If the out-of-date policies are still consistent with the NPPF then they are still relevant. MDC's policies are mainly consistent with the NPPF.</p> <p>Housing demand in the District is inflated.</p> <p>28 Material planning considerations have been listed:</p> <ol style="list-style-type: none"> <li>1 Granting planning permission significantly and demonstrably outweighs any social benefits.</li> <li>2 The critical mass of the development is inadequate generate a material economic benefit.</li> <li>3 It is in the wrong place; it cannot access the employment potential abutting the A12 corridor.</li> <li>4 It is isolated being remote both from the local community and the wider district services.</li> </ol>	<p>The Parish Council raises numerous points many of which are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.2 Housing need;</li> <li>• 5.3 Affordable housing;</li> </ul>

Name of Parish / Town / District Council	Comment	Officer Response
	<p>5 It is not a sustainable location for housing development.*</p> <p>6 Affordable housing (40%) should be adjacent to accessible facilities, i.e. Maldon.</p> <p>7 There is virtually no public transport infrastructure; rail service utility is problematical.</p> <p>8 There will be a material, negative, visual impact on the extensive Crouch valley landscape.</p> <p>9 Disbenefit to the evolving local micro economy outweighs any macro district benefit.</p> <p>10 Existing emerging Pre and Nursery school capacity will be compromised.</p> <p>11 Commercial developments will destroy the rural vernacular visible of the Burnham Road.</p> <p>12 A proposed mix of commercial and residential development is highly undesirable.</p> <p>13 During construction, just one access road is available for commercial and residential traffic.</p> <p>14 Access to the east development has a very steep gradient; query safe transit.</p> <p>15 At peak times, all public utilities are near saturation; investment in new capacity is unlikely.</p> <p>16 Surface water surges are likely to lead to serious pollution of the River Crouch.</p> <p>17 Creation of a 16ha District Park absolves the developer of maintenance costs.</p> <p>18 The total site is 86ha. Assuming a density of 25 units/ha, 750 dwellings will require 30ha.</p> <p>19 Allowing space for access configuration etc., there remains substantial developable land.</p> <p>20 Think Green Land, who hold the development rights, may well request additional housing.</p> <p>21 In terms of spatial planning policy, the site was offered in the 2021 Call for Sites.</p> <p>22 A Housing and Economic Land Availability Assessment assessed suitable development sites.</p> <p>23 Two parcels to the west of Station Road were considered unsuitable for housing development.</p> <p>24 Parcels of land to the east of Station Road were deemed to be suitable for 1,750 houses.</p> <p>25 Due to inadequate due diligence, Althorne Parish Council disputes this determination.</p> <p>26 The War Memorial site is included in the site boundary of the developers' land.</p> <p>27 This is incorrect. Althorne Parish Council owns the land.</p> <p>28 Reconfiguration is unlikely, materially affecting the proposed access.</p> <p><u>Planning Appeal Decisions:</u> There have been at least 12 PI decisions dismissed for residential development, examples include:</p>	<ul style="list-style-type: none"> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.6 Impact on heritage assets;</li> <li>• 5.8 Access, public transport, highway safety and parking;</li> <li>• 5.10 Flood risk and sustainable urban drainage;</li> <li>• 5.11 Green and blue infrastructure;</li> <li>• 5.12 Nature conservation and biodiversity; and</li> <li>• 5.14 Planning Balance.</li> </ul> <p>Additionally, reference is made to other applications and appeals however each application is considered on its merits. The potential for further development to be proposed is not a planning consideration for this application.</p>

Name of Parish / Town / District Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• 14/00045 Land Adj Clifford's Farm (4 dwellings) - encroachment into the countryside harming the character and appearance of the rural area.</li> <li>• 16/00171 Land at Mansion House Farm (48 dwellings) - effect on the character and appearance of the area through the loss of open countryside and the failure of the proposal to promote sustainable patterns of growth would significantly and demonstrably outweigh the benefits of the scheme.</li> <li>• 20/00725 Land between Thornley Cottage and the Old Forge (infill) - Proposal would not accord with the overarching spatial strategy and objectives to sustainably locate new housing development and to minimise the need to travel set out in Policies, S1, S2 and S8.</li> </ul> <p><u>The Planning Application</u>  The site can be viewed from various vantage points along the B1010 Fambridge and Burnham Roads, the footpaths that cross it and from the river, beyond to Canewdon on the southern side of the river.</p> <p>The site is a valued landscape as described on pages 8 to 10 of the Village Design Statement. Officers should refer to this document.</p> <p>The site is food productive land, which will become even more suitable for the production of fine wines. It should not be developed.</p> <p>The proposed mitigation will not mitigate against the built form causing substantial harm to the intrinsic character and beauty of the area.</p> <p>Contaminated surface water run-off will cause considerable harm to the river Crouch and disturbance to wildlife.</p> <p>The Crouch is a location of Special Area of Conservation (SAC), Special Protection Area (SPA), a Site of Special Scientific Interest (SSSI) and a Ramsar Site.</p> <p><u>Roads and Travel</u>  The B1010 is a designated PR1 route but is incapable of coping with the daily vehicles movements and is too narrow for HGV's. Pedestrians are put at risk due to large vehicles overhanging the pavement leading to isolation of older residents who are concerned to cross the road.</p>	



Name of Parish / Town / District Council	Comment	Officer Response
	<p>The traffic has to pass through the dangerous junction and North Fambridge and through South Woodham where 1,000 homes have been granted planning permission.</p> <p>The proposal will add another 5,000 additional car movements exacerbating this issue.</p> <p><u>Buses</u> Of the 11 bus services said to be provided, 5 are a school service. The 31B, 31X and 331 that provide services to Maldon and Chelmsford can only be accessed via the bus stop outside the permanently closed Post Office, more than a mile from the application site.</p> <p>The other services are small, bookable and relatively expensive, bookable services.</p> <p>These bus services do not offer a reasonable alternative to the car. Although the Applicant provides for a bus route into the site, there is no commitment from bus service operators to use them.</p> <p><u>Trains</u> The railway is a single-track branch line between Southminster and Wickford. There is just one weekday morning train that returns from Liverpool Street at 17:58 arriving at 18:58. If you wish to travel further in Essex an additional change at Shenfield is required. Therefore, there will be more reliance on car travel.</p> <p><u>Infrastructure</u> The sewage system is overloaded with frequent flooding events during heavy rainfall. The Anglian Water staged upgrade plan appears inadequate.</p> <p><u>Sustainability</u> The village was considered to have a low sustainability as part of the preparation of the current LDP. The site is contrary to Policy S8.</p> <p>Most applications in Althorne have been rejected due to being unsustainable. Examples were reported as part of application 17/01010/FUL to the South Eastern Area Planning Committee.</p> <p>There is a lack of effective public transport and a lack of facilities, post office, shops etc.</p> <p>The site is clearly unsustainable and the tilted</p>	

Name of Parish / Town / District Council	Comment	Officer Response
	<p>balance is only in favour of sustainable development.</p> <p><b>Further objection received (March 2025)</b> Notes the further objection from Place Services. Insufficient information regarding the SANG. Natural England focus on the SANG but note the adjacent ecologically important SPA.</p> <p><b>Further objection received (Aug 2025)</b> following receipt of Planning Statement Addendum dates 21 July 2025.</p> <p>The response seeks to assess the Planning Statement Addendum by applying the “tilted balance” in an objective and positive way to ensure that the principles are applied are balanced and unbiased. The response sets out the Parish’s weighting for the identified benefits and harms.</p> <p><u>Benefits (750 dwellings):</u> Overall the benefits associated with the original (750 dwelling) scheme were minimal. The scheme fails to comply with the NPPF as a whole. The adverse impacts significantly and demonstrably outweigh the benefits.</p> <p><u>Harms (750 dwellings):</u> The adverse impacts of the scheme significantly and demonstrably outweigh the benefits of the scheme.</p> <p><u>Benefits (amended scheme):</u> The collective disbenefits of the revised scheme are similar to the original scheme i.e. negative and do not reflect the NPPF requirement that the adverse impacts the development should not significantly and demonstrably outweigh the benefits.</p> <p><u>Harms (amended scheme):</u> If the main determinable harm relating to the War memorial is discounted, the key harms generated by the reduced housing build collectively remain comparable to the larger development.</p> <p><u>Conclusion</u> In relation to the amended scheme, we conclude that the negative impacts of the scheme significantly and demonstrably outweigh the benefits. The incremental contribution to the district’s housing stock and build requirement is marginal. Arguably, the inability of MDC to demonstrate a five-year land bank is a relative technicality in relation to the overall robustness of its planning policies, including the relevance of the Althorne Settlement Boundary. The</p>	

Name of Parish / Town / District Council	Comment	Officer Response
	scheme fails to be in accord with the policies of the National Planning Policy Framework as a whole and therefore Althorne Parish Council concludes that planning permission should not be granted.	
Asheldham and Dengie Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Appeal APP/X1545/A/14/2225889 was dismissed at the site.</li> <li>• Impacts on a designated Special Landscape Area (SLA) will cause serious harm to biodiversity and lead to a net biodiversity loss.</li> <li>• Site is located outside of the settlement boundary, causing unthinkable harm to the rural character and increase urban sprawl, which is inherently unsustainable.</li> <li>• Additional strain the development would put on schools. The provision of a primary and secondary school does not contribute to running costs, which MDC will have to fund. It does not guarantee teachers, and there is a Nationwide shortage. No provision of secondary school places and children are being sent as far away as Witham and Southend for Secondary School. Considering the 'expected demographic' this will worsen pressures on an overloaded system. The quality of teaching will decline, as will educational attainment as a result.</li> <li>• Impacts on an already constrained health system. Residents are experiencing wait times of 4 weeks for appointments.</li> <li>• Impacts on existing infrastructure. The highway network cannot cope with the level of traffic it experiences. Improving Station Road and its junction with the B1010 will make no difference.</li> <li>• Increases in carbon emissions</li> <li>• Current peak trains are at capacity, with residents driving to Wickford to catch trains. The development cannot be sustained on the existing line and traffic in Wickford will increase. No real employment opportunities are provided to offset this</li> </ul> <p>The Parish consider MDC need a drastic change of development Policy away from large scale developments towards pepper potting and infill development to meet housing needs. We would much rather see support given to small scale infill development where families are able to live near to each other in a rural community setting rather than preferential treatment being given to large developers where the sole aim is profit making. We</p>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul> <p>Reference to the need for policy to change is noted however this is not a material planning consideration and would need to be considered through the local plans process.</p>

Name of Parish / Town / District Council	Comment	Officer Response
	<p>simply cannot understand MDC's incessant turning down of local residents trying to build houses for their families and the continued support of large scale developments without any suitable infrastructure provisions. To us this is an abhorrent misuse of power and is in no way serving the residents of the district.</p>	
Bradwell-on-Sea Parish Council	<p>Object:</p> <ul style="list-style-type: none"> <li>• Inappropriate development, disproportionate to the size of the village.</li> <li>• Impacts on the intrinsic beauty of an area which is a SAC, SSSI and Ramsar site.</li> <li>• There would be adverse impacts on the European designated nature conservation sites.</li> <li>• Loss of agricultural land</li> <li>• Impact on local wildlife and loss of habitat</li> <li>• Inadequate infrastructure – Roads, water and sewerage are already at capacity. The village has no schools, shops or doctors and those in the area are oversubscribed.</li> </ul> <p>Unacceptable increase in traffic on one of the only two roads out of the Dengie Peninsula.</p>	<p>The points are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking;</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul>
Canewdon Parish Council (in Rochford District)	<p>The proposal is premature as it has not been duly considered through the appropriate local plan process. We would share the concerns of others in respect of the views and the impact on the landscape and habitats particularly.</p>	<p>The principle of development is addressed in section 5.1 of this report.</p>
Chelmsford City Council (CCC)	<p>The proposal raises the following cross boundary issues: Sustainable transport, highways, and active travel, Community infrastructure including education, health and community facilities.</p> <p><b>Updated December 2023.</b> The site is in close proximity to CCC's boundary and careful consideration is required to ensure the proposal does not negatively impact CCC residents.</p> <p>Previously concerns were raised about the impact of the proposal on the local highway network. Additional transport and highways information has been provided to assess the impact of the proposal on the junction at South Woodham Ferrers (B1012 Woodham Road/Burnham Road/Ferrers Road/Hamberts Road Roundabout Junction). The information has not assessed the wider impacts of the proposal on the local highway network in particular the A130/A132 and Rettendon Turnpike</p>	<p>The points are addressed in Sections 4.4 infrastructure requirements and 5.8 Access, public transport, highway safety and parking.</p> <p>The application must be assessed on its merits and the suggestion the spatial impacts be included in the LDP are noted but are not material planning considerations.</p>

Name of Parish / Town / District Council	Comment	Officer Response
	<p>junctions which are forecast to be over capacity by 2036.</p> <p>Maldon's Local Plan traffic modelling should be used to determine the spatial distribution of development proposed in the LDP, and that appropriate measures to overcome and avoid identified adverse impacts are included within the LDP. Further evidence on the impact of new development on rail services heading west from the Maldon district should also contribute towards decision-making on spatial options.</p>	
Latchingdon Parish Council	<p><b>October 2022</b> Object –</p> <ul style="list-style-type: none"> <li>• Application is outside of the settlement boundary of Althorne which is defined as a smaller village and an unsustainable location. The village would not be able to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits arising from this residential scheme.</li> <li>• Demonstrable impacts on the character and appearance of the area.</li> <li>• The impact on Secondary School places within the District is not sufficient to support additional growth or meet the requirements of the NPPF and the LDP.</li> </ul> <p>The scale and location of the development if approved is likely to reduce the options available to Members and should be refused for 'prematurity'.</p> <p><b>December 2023</b> In addition to previous comments and having researched the matter we find that there is an excess of early years spaces locally as well as vacant commercial business units (Class E).</p> <p>Building more of such provision outside strategic allocations would be contrary to policies E1, E3 and S1, and threaten the existing provision and is merely an attempt to add benefit regardless of the lack of identified need or strategy.</p> <p>The District Council has far exceeded the required number of consents required in the adopted plan of 4650. Having assessed the 2023 AMS and added in Burnham Waters Phase 3 approximately 5900 approvals have been granted with approximately 3100 left to build 27% more than is required.</p> <p>The delivery of Housing since plan adoption is 36%</p>	<p>The points are addressed in</p> <ul style="list-style-type: none"> <li>• Sections 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability); and</li> <li>• 5.4 Landscape and Visual Impact.</li> </ul> <p>Para. 51 of the NPPF states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Therefore, no case can be made on this basis.</p>

Name of Parish / Town / District Council	Comment	Officer Response
	<p>in excess of Government Standard Method Targets (appendix 1) again a demonstration that the application is surplus to need requirements. Whilst there is a need for affordable Social and Rented Housing there is minimal need for Affordable Ownership hence limiting the benefit of the scheme. Indeed the 2021 LHNA suggest that MDC would be in a strong position to request 0%.</p> <p>Whilst we would attribute significant weight to the provision of Social and Affordable Rented this would in no circumstances outweigh the harm caused by the departure from a Plan led solution and be in conflict with Policies S1, S2 ,S8 plus associated policies and not comply with Paragraph 15 and 105 of the NPPF and the Framework as a whole.</p> <p><b>March 2024</b> Object - Paragraph 12 of the NPPF states Where a planning application conflicts with an up-to-date development plan (including any neighborhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.</p> <p>The application site lies within a rural location outside of the defined settlement boundary of Althorne, which is defined within the LDP as a smaller village providing few services and facilities and limited employment opportunities. The proposal, by reason of the quantum of development proposed, layout, density, grain, scale, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to Policies S1, S2, S8, D1 T1, T2 and H4 of the Maldon District Local Development Plan and guidance contained within Section 12 of the National Planning Policy Framework.</p>	
Mayland Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Insufficient school capacity</li> <li>• Insufficient rail network</li> <li>• Limited to non-existent bus service</li> <li>• Gas, water, sewage and electricity capacity concerns</li> </ul>	<p>The points are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of</li> </ul>

Name of Parish / Town / District Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Lack of doctor's surgeries and dental places</li> <li>• Concerns over ambulance waiting times and the distance to the nearest hospital</li> <li>• No retail in Althorne, increasing traffic to and from Burnham, South Woodham Ferrers and Maldon</li> <li>• Impacts on the landscape, environment, and wildlife,</li> <li>• Increased flood risk and surface water</li> <li>• Where will the people work?</li> <li>• Carbon footprint concerns</li> </ul> <p>The Council should consider all current planning in the Dengie and the cumulative impact it would have on infrastructure. The extension to South Woodham Ferrers has been modelled on current road traffic levels, with no forward thinking of the other approved developments in the Dengie. The roads haven't been changed or upgraded for over 50 years.</p>	<p>development (including sustainability);</p> <ul style="list-style-type: none"> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking;</li> <li>• 5.10 Flood risk and sustainable urban drainage; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul> <p>The Council is required to assess each application and cannot consider all applications in the Dengie together.</p>
North Fambridge Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Effects on landscape character.</li> <li>• Highways infrastructure – capacity (with cumulative effects) and safety aspects.</li> <li>• Designated / protected site proximity aspects and ecological impacts.</li> <li>• Other infrastructure, including rail transport mode.</li> </ul> <p>Assessment of the balance between scheme benefits versus its adverse impacts.</p>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking;</li> <li>• 5.12 Nature conservation and biodiversity; and</li> <li>• 5.14 Planning balance.</li> </ul>
Purleigh Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Unsustainable from of development, due to its scale and layout constitutes over development and will cause demonstrable harm to the character and appearance of the area.</li> <li>• Increase in private and commercial traffic movements on the highway network which is already congested.</li> <li>• The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits the application was suggesting it might bring.</li> </ul>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> </ul>

Name of Parish / Town / District Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Proposal would substantially alter the character of the village and the surrounding area. It would have unacceptable visual effect on the countryside through the urbanisation and domestication of the site, creating urban sprawl.</li> <li>• Loss of good arable land at a tie where food security and supply is very important.</li> <li>• Application does not take account of the lack of infrastructure necessary to support the increase in dwellings with particular reference to sewerage and highway capacity.</li> <li>• The local area was characterised by outstanding rural, agricultural and panoramic views of the Crouch Valley, a fact which had been acknowledged in a Visual Design Statement adopted by the Planning Authority. The importance of access to this beautiful scenery to the wellbeing of nearby residents and visitors to the area could not be overstated.</li> </ul> <p>MDC declaring a lack of 5YHLS has resulted in unsustainable, inappropriate and out of scale applications such as this coming forward against the wishes of the local community.</p>	<ul style="list-style-type: none"> <li>• 5.8 Access, public transport, highway safety and parking; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul>
Southminster Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Impacts of building in the countryside</li> </ul> <p>Highway capacity concerns, particularly at Kitts Hill.</p>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul>
Steeple Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Impacts on the amount of traffic travelling through Steeple</li> <li>• Sewerage concerns</li> <li>• Lack of services and facilities</li> <li>• Limited public transport</li> </ul>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of</li> </ul>



Name of Parish / Town / District Council	Comment	Officer Response
		<p>development (including sustainability); and</p> <ul style="list-style-type: none"> <li>• 5.8 Access, public transport, highway safety and parking.</li> </ul>
St Lawrence Parish Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• Infrastructure capacity concerns</li> <li>• It resembles a suburb found on the edge of a large town</li> <li>• Open space is already there to be enjoyed</li> <li>• Education capacity</li> <li>• Health care capacity</li> <li>• It will result on 1000+ people needing employment but there are a lack of local jobs.</li> <li>• Lack of sustainable transport options resulting in an increase in traffic, including issues with the train and bus service.</li> <li>• Cycleways do not offer a solution in rural areas.</li> <li>• The cumulative impacts of new developments in Burnham and Southminster will burden the roads.</li> <li>• The site is unsustainably located away from day-to-day services and facilities.</li> <li>• No breakdown of affordable opposed to market housing.</li> <li>• Impacts on ecology – in particular wading birds.</li> </ul>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul> <p>Each application must be assessed on its own merits.</p>
Stow Maries Parish Council	<p>Object (and further objection following amended scheme) –</p> <ul style="list-style-type: none"> <li>• Unsustainable development that due to its scale and layout, constitutes over development and would demonstrable harm to the character and appearance of the area.</li> <li>• Increase in private and commercial traffic movements on the highway network which is already congested.</li> <li>• The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits the application was suggesting it might bring.</li> <li>• Proposal would substantially alter the character of the village and the surrounding area. It would have unacceptable visual effect on the countryside through the urbanisation and domestication of the site, creating urban sprawl.</li> <li>• Loss of good arable land at a tie where food security and supply is very important.</li> </ul>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact;</li> <li>• 5.8 Access, public transport, highway safety and parking; and</li> <li>• 5.12 Nature conservation and biodiversity.</li> </ul>

Name of Parish / Town / District Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Application does not take account of the lack of infrastructure necessary to support the increase in dwellings with particular reference to sewerage and highway capacity.</li> <li>• The local area was characterised by outstanding rural, agricultural and panoramic views of the Crouch Valley, a fact which had been acknowledged in a Visual Design Statement adopted by the Planning Authority. The importance of access to this beautiful scenery to the well-being of nearby residents and visitors to the area could not be overstated.</li> </ul> <p>MDC declaring a lack of 5YHLS has resulted in unsustainable, inappropriate and out of scale applications such as this coming forward against the wishes of the local community.</p>	
South Woodham Ferrers Town Council	<p>Object –</p> <ul style="list-style-type: none"> <li>• The application does not take into consideration the effect on the services of South Woodham Ferrers (SWF)</li> <li>• Is there capacity at William de Ferrers or The Plume for these students?</li> <li>• Lack of health care capacity</li> <li>• The recent downgrading of the SWF fire station brings to question how it will cope with the additional houses.</li> <li>• Lack of leisure facilities to serve the development</li> <li>• No further road capacity for the additional traffic given the development North of SWF.</li> <li>• Traffic mitigation secured for the site North of SWF will be impossible to deliver</li> <li>• The traffic assessment relating to the SWF application does not take account of recent developments in the Dengie and the mitigation measures are inadequate, adding further congestion.</li> <li>• The application has not taken into account standing traffic at Hamberts Road/B1012 roundabout in terms of air quality.</li> <li>• SWF could not handle the increase in peak traffic flows.</li> </ul> <p>There is no further budget available for road improvements in SWF, so there is an objection to the size and proximity of the site.</p>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>• 4.4 infrastructure requirements;</li> <li>• 5.1 Principle of development (including sustainability);</li> <li>• 5.4 Landscape and Visual Impact; and</li> <li>• 5.8 Access, public transport, highway safety and parking.</li> </ul>

Name of Parish / Town / District Council	Comment	Officer Response
Tillingham Village Council	<p>Object:</p> <ul style="list-style-type: none"> <li>Impacts on the rural landscape</li> <li>Housing volume will not be suitable and is out of local character and constraints</li> <li>No evidence for the scale of housing or support from the local community</li> <li>Impacts on the existing limited services and facilities</li> <li>Existing public transport provision is very limited and is not sustainable</li> <li>Increase in private car usage</li> <li>There are currently restrictions for both primary and secondary education in the local area. This will result in more cars on the road during peak times.</li> <li>Doctors surgeries are already over subscribed</li> <li>Increase of light pollution and loss of rural space which will have an adverse effect on wildlife.</li> <li>The LDP seeks to protect, conserve and restore areas in the Coastal Zone and are designated as a Special Landscape Area.</li> </ul>	<p>The points raised are addressed in the body of the report specifically sections:</p> <ul style="list-style-type: none"> <li>4.4 infrastructure requirements;</li> <li>5.1 Principle of development (including sustainability);</li> <li>5.4 Landscape and Visual Impact;</li> <li>5.8 Access, public transport, highway safety and parking; and</li> <li>5.12 Nature conservation and biodiversity.</li> </ul>

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	<p><b>6 October 2022:</b> No objection –</p> <p>The proposed development site has the potential to impact on archaeological remains. An Archaeological Desk-Based Assessment (DBA) and geophysical survey has been submitted with the planning application. The Screening Opinion recommended that trial-trenching would also take place, this has not as yet happened, though the outline planning application states that targeted trial-trenching will take place.</p> <p>The archaeological DBA assesses the archaeological potential as low-medium for the prehistoric periods and would be of medium-high importance. The medieval, post medieval and modern periods could be of medium-high potential, these are most likely to be of low-medium importance. The geophysical survey identified circular features, possibly the corner of an enclosure, close to the Fambridge Road in Area 1. Possible field boundaries were also located in Area 1 to the</p>	Discussed in section 5.13 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>north. A possible rectilinear enclosure with associated anomalies around it has been identified in Area 8, which could possibly be prehistoric in origin as it is close to previous Bronze Age discoveries. Undetermined anomalies were further discovered in Area 6; these appear to be more agricultural in nature. There is also the potential for structural remains of a post medieval building to be in-situ based on the historic map evidence. In addition, there is always the possibility of further archaeological remains to be present that are not easily identified by geophysical survey, such as post-built building and burials.</p> <p>Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent. This is in line with advice given in the National Planning Policy Framework.</p> <p><b>November 2023 and January 2024:</b> Advice from 06.10.2022 remains unchanged</p>	
Anglian Water (AW) Services	<p><b>11 October 2022:</b> No objection -</p> <p>No development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.</p> <p>Maylandsea Water Recycling Centre which currently does not have capacity to treat the flows the development site.</p> <p>Informatives requested to ensure the development does not result in flooding downstream.</p> <p>Recommend the developer engage with AW regarding SuDS scheme.</p> <p>Condition recommended regarding foul water drainage.</p> <p><b>October 2023 and November 2023</b> - No additional comments to make.</p>	Discussed in section 5.10 of the report.
Active Travel England (ATE)	<p><b>Revised response June 2025</b> Seeks deferral as ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response. ATE continues to reiterate</p>	Discussed in sections 5.1 and 5.11 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>concerns that the proposed site may not provide a sufficient range of sustainable transport options—particularly for active travel—to enable access to key services. As such, residents may be largely dependent on private vehicles for everyday needs.</p> <p>ATE would only be in a position to support the proposals if provision of a primary school is secured. We defer to the Local Planning Authority and Education Authority to establish an appropriate delivery mechanism.</p> <p>ATE considers the inclusion of a grocery store essential to the sustainability of this development. Subject to the delivery of such a facility through an appropriate mechanism, ATE would be satisfied that a reasonable range of everyday services can be accessed by active travel. Dependence on public transport or private car to access such basic amenities does not constitute a genuine choice of transport modes.</p> <p>ATE considers the proximity of Althorne railway station and the proposed investment in bus services to be important in assessing the overall sustainability of this site. We also acknowledge the applicant's position that, subject to delivery of the necessary infrastructure and services, the scheme could enhance the overall sustainability of Althorne for existing residents, supporting increased levels of active travel.</p>	
Cadent Gas	<p><b>October 2023</b> – No objection</p> <p><b>January 2024</b> – No objection. Request an informative added regarding Cadent owned gas infrastructure in the area.</p>	Noted.
ECC Green Infrastructure	<p><b>October 2022</b> No objection – subject to: Landscape Ecological Management Plan and Monitoring; and yearly logs to be maintained.</p> <p><b>January 2024</b> No objection.</p> <p>In addition to the conditions recommended in October 2023, the following conditions are recommended: Construction Environmental Management Plan; Biodiversity Gain Plan; Habitat Management and Monitoring Plan</p>	Addressed in section 5.11 and 5.12 of the report.
ECC Education	<p><b>Revised response September 2025.</b> No objection.</p> <p>If the proposed development is to be permitted, ECC</p>	Discussed in sections 4.4 and 5.1 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>suggest flexibility is required through the legal agreement to deliver a package which includes:</p> <ul style="list-style-type: none"> <li>• 2ha of land for a new primary school.</li> <li>• Financial contributions to cover the pupil product from this development.</li> <li>• Home to School Transport contributions, and</li> <li>• Both financial contributions and land for a new 56 place EY&amp;C facility.</li> </ul> <p>It is essential that the land offered to ECC is suitable for the education purpose(s) intended, and a land compliance study will be required to confirm this. Please note that any developer contribution figures referred to in this letter are estimates only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation. Any s106 agreement would capture contributions using a formula approach.</p> <p>Request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Early Years &amp; Childcare, Primary &amp; Secondary places, Primary &amp; Secondary School Transport and Libraries</p>	
ECC LLFA	<p><b>November 2023:</b> No objection - subject to conditions regarding:</p> <ul style="list-style-type: none"> <li>• detailed surface water drainage scheme;</li> <li>• scheme to minimise offsite flooding;</li> <li>• maintenance plans;</li> <li>• yearly maintenance logs;</li> <li>• existing pipes to be cleared.</li> </ul> <p><b>January 2024</b> – no further comments.</p>	Discussed in section 5.10 of the report.
East of England Ambulance Trust	The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £204,000 and are for the impact of this development only.	Discussed in section 4.5 of the report.
Historic England	In this case Historic England do not wish to offer advice.	Noted
Natural England	<p><b>Revised response June 2025</b> As submitted, the application could have potential significant effects on international sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:</p> <ul style="list-style-type: none"> <li>• Further consideration of the 2.3km circular walk</li> <li>• Clarification that, if the District Park is to be</li> </ul>	Discussed in section 5.11 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	delivered in two phases, the first phase must include the 2.3km circular walking route with appropriate screening and the car park. Without this information, Natural England currently objects to the proposal. Please re-consult Natural England once this information has been obtained.	
Environment Agency	<p><b>October 2022</b> No objection provided that flood risk considerations have been taken into account by the LPA.</p> <p><u>Actual Risk:</u></p> <ul style="list-style-type: none"> <li>• The site boundary lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.</li> <li>• The site benefits from the presence of defences to the south of the site. However, the Environment Agency's coastal modelling indicates that these defences will overtop during the 0.5% (1 in 200) annual probability flood event including an allowance for climate change, and therefore the site is at actual risk of flooding in the design event.</li> <li>• Due to finished ground floor levels for all residential units the dwellings will remain dry in the (1 in 200) annual probability flood level including climate change event</li> <li>• All residential developments proposed at the south of the site are two-storey dwellings. Finished first floor levels have not been proposed, however, assuming that first floor levels are a minimum of 2.5m above ground floor levels, there is likely to be refuge above the 0.1% (1 in 1000) annual probability flood level of 5.48m AOD.</li> <li>• The site level is 3.75m AOD and therefore flood depths on site are a maximum of 1.56m in the 0.5% (1 in 200) annual probability flood event including climate change.</li> <li>• Therefore, assuming a velocity of 0.5m/s the maximum on site flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change. Therefore, any development in Flood Zone 3 may not have a safe means of access in the event of flooding to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). An Emergency Flood Plan should be submitted by the applicant to outline how the occupants can remain safe during a flood event.</li> <li>• Flood resilience / resistance measures have not been proposed.</li> </ul>	Discussed in section 5.10 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> <li>Compensatory storage is not required.</li> </ul> <p><u>Residual Risk:</u></p> <ul style="list-style-type: none"> <li>The FRA does not explore the risk of a breach of the flood defences located south of the site. No detailed breach modelling exists for this site; however, the undefended flood levels from the Environment Agency's Crouch and Roach coastal model can be used to show a worst-case scenario of flooding at the site as a proxy for a breach event. This data shows that in a worst-case scenario, the site could experience undefended flood levels of 5.32m AOD during a 0.5% (1 in 200) annual probability flood event and 5.52m AOD during a 0.1% (1 in 1000) annual probability flood event, both including an allowance for climate change. The LPA may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.</li> <li>Finished ground floor levels have been proposed at 5.44m AOD. This is above the 0.5% (1 in 200) annual probability undefended flood level including climate change of 5.32m AOD and therefore the dwellings will remain dry in this event.</li> <li>All residential development proposed at the south of the site are two-storey dwellings. Finished first floor levels have not been proposed, however, assuming that first floor levels are a minimum of 2.5m above ground floor levels, there is likely to be refuge above the 0.1% (1 in 1000) annual probability undefended flood level of 5.52m AOD.</li> <li>A Flood Evacuation Plan has not yet been proposed and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood.</li> </ul> <p><u>Safety of Building – Flood Resilient Construction:</u> The FRA does not propose to include flood resistant/resilient measures in the design of the buildings to protect/mitigate the proposed development from flooding. Consideration should be given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Consultation with your building control department is recommended when determining if flood proofing measures are effective.</p>	



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><u>Safety of Inhabitants - Safety of Building</u> The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.</p> <p><u>Safety of Inhabitants – Emergency Flood Plan</u> One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.</p> <p>We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. This indicates that there will be a maximum hazard rating of: - A danger for all people (e.g., there will be danger of loss of life for the general public and the emergency services). This does not mean we consider that the access is safe, or the proposals acceptable in this regard.</p> <p><b>May 2024</b> – no objection maintained.</p>	
Essex Police - Designing Out Crime (DOC)	<p><b>October 2022</b> Neither object nor support</p> <p>Constructing well designed places, buildings and communities that promote both sustainable communities and health and wellbeing is an objective that the Essex Police DOC Officer widely supports; however, it is imperative that they must also be safe, secure, and accessible. This can similarly be evidenced within the Health Impact Assessment, as mitigating the opportunities for crime</p>	Noted. The application is in outline form and design issues would be dealt with at reserved matters stage.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>is not only about reducing and preventing injury and crime, but it is also about building strong, cohesive, vibrant, and participatory communities. Perception of crime and the fear of crime can be an influential factor in determining the synergy and ongoing sustainability of the wider community. Essex Police would recommend the developer considers the foreseeability of crime and maximise on the opportunity to embed Crime Prevention Through Environmental Design principles, as these crime types can potentially be 'designed out' and minimised with due consideration. This will in turn prevent the need for bespoke situational crime prevention measures in the future and promote a sustainable community. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design (SBD) Homes award. A SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.</p> <p><b>November 2023 and January 2024</b> No additional comments.</p>	
Local Highway Authority	<p>The Highway Authority has undertaken extensive investigation and analysis of the submitted supporting documentation, and all additional information supplied by the applicant. The submitted Transport information is considered robust, and the Highway Authority is satisfied that the development will not have a significant or severe impact at this location, or on the wider highway network.</p> <p>The applicant is offering a major improvement, in terms of capacity and safety, at the junction of the Lower Burnham Rd/Fambridge Rd (B1010/B1012), which is classified as a Casualty Reduction Site by Essex Highways Road Safety Team. This improvement will not only provide in excess of the required capacity for the development but will also improve a historic safety issue at this junction.</p> <p>Further to this, the applicant is proposing a comprehensive package of sustainable improvements for walking and Passenger Transport services throughout Althorne, that will not only benefit future occupiers of the development, but existing residents as well.</p> <p>Consequently, the Highway Authority is now satisfied that the development proposal is acceptable in</p>	Discussed in sections 4.4 and 5.18 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response						
	highway and transportation terms, subject to a comprehensive package of mitigation measures for sustainable transport and junction improvements on the network, to be secured by condition or legal obligation.							
Network Rail and Greater Anglia (joint response)	<p><b>May 2023</b> Support proposed changes and financial contributions to the draft S106 Heads of Terms as set out within pages 40–41 of the amended planning statement (dated 23/10/2023). Further detailed discussion with the Applicant will need to take place on the proposed enhancements to Althorne Station and its cycle parking provision.</p> <p>Accept the removal of the Station Road Level Crossing upgrade obligation based on the fact that the revised planning application proposes a reduced number of dwellings and no longer proposes any development south of the railway line. It is important to note that the revised plans will still require an interface between the proposed development and Station Road. Buses will still need to access and cross Station Road to travel between the interchange and the development site.</p> <p>Information provided on fencing and drainage so as to protect the Network rail asset.</p> <p><b>February 2024</b> – Support in principle.</p>	Discussed in sections 4.4 and 5.18 of the report.						
NHS Property Services	<p><b>November 2023</b> – There remains a lack of primary care capacity in the vicinity of the application site, and so a need to mitigate the impact of the development. The reduction in dwellings proposed and therefore population resulting from the development results in a request for a smaller financial contribution, as set out below.</p> <p>The table below shows the population likely to be generated from the proposed development, the primary care floorspace needed to support this additional population and the costs of doing so. Using the accepted standards set out below the table, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £272,900.</p> <p><u>Capital cost calculation of additional health services arising from the development proposal:</u></p> <table border="1" data-bbox="459 1883 1150 2020"> <thead> <tr> <th data-bbox="459 1883 687 1995">Additional Population Growth (550 dwellings) *</th><th data-bbox="692 1883 927 1995">Additional floorspace required to meet growth (m<sup>2</sup>)*</th><th data-bbox="932 1883 1150 1995">Capital required to create additional floor space (£) *</th></tr> </thead> <tbody> <tr> <td data-bbox="459 2002 687 2020">1,320</td><td data-bbox="692 2002 927 2020">90.5</td><td data-bbox="932 2002 1150 2020">272,900</td></tr> </tbody> </table>	Additional Population Growth (550 dwellings) *	Additional floorspace required to meet growth (m <sup>2</sup> )*	Capital required to create additional floor space (£) *	1,320	90.5	272,900	Discussed in section 4.4 of the report.
Additional Population Growth (550 dwellings) *	Additional floorspace required to meet growth (m <sup>2</sup> )*	Capital required to create additional floor space (£) *						
1,320	90.5	272,900						

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<b>January 2023</b> – no additional comments.	
Sport England	<p><b>October 2022:</b>  Objection – there is a lack of confirmed provision. The position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a planning obligation.</p> <p>A condition is recommended requiring details to be submitted and approved which demonstrate how Active Design principles have been considered in the design and layout of any reserved matters application.</p> <p><b>October 2023</b> – Objection maintained</p> <p><b>January 2024</b> – No objection</p> <p>In response to Sport England's previous comments the applicant is now proposing the following financial contributions:</p> <ul style="list-style-type: none"> <li>• A financial contribution of £534,687 in response to Sport England's advice on financial contributions towards indoor sports facilities set out in our response dated 30th October 2023.</li> <li>• An unquantified financial contribution towards improvements at Althorne Recreation Ground</li> </ul> <p>The objection is withdrawn subject to the following:</p> <ul style="list-style-type: none"> <li>• Indoor Sports Facility Contribution: A financial contribution of 534,687 being secured through a planning obligation that would be used towards the delivery of indoor sports facility projects in the local area identified by Maldon District Council. The contribution should be index linked to January 2024.</li> <li>• Outdoor Sports Facility Contribution: An index linked financial contribution secured through a planning obligation towards outdoor sports facility projects at Althorne Recreation Ground and/or alternative outdoor sports projects in the local area identified by Maldon District Council. The amount of the contribution to be calculated by Maldon District Council with advice from Sport England if requested.</li> <li>• Active Design: As set out in our original formal response dated 25th October 2022, a planning condition requiring details to be submitted and approved which demonstrate how promoting</li> </ul>	Discussed in section 4.4 of the report. The application is in outline form and details of any on-site provision would be considered at reserved matters stage.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	physical activity has been considered in the design and layout of the reserved matters applications. Sport England's Active Design guidance includes a checklist that can be applied to developments and it is recommended that the checklist is used to inform the provision of such details and included in a document such as a Design & Access Statement or Health Impact Assessment.	
LLFA - Sustainable Drainage	No objection subject to conditions regarding: <ul style="list-style-type: none"> <li>• surface water drainage scheme;</li> <li>• scheme to minimise risk of offsite flooding; maintenance plan;</li> <li>• yearly logs of maintenance; and</li> <li>• existing pipes to be cleared;</li> </ul>	Discussed in section 5.10 of the report.
Green Infrastructure - Environment and Climate	No objection subject to four conditions requiring a Green Infrastructure Strategy, a Green Infrastructure Plan, a Landscape Ecological Management and Maintenance Plan.	Discussed in sections 5.11 and 5.18 of the report.

### 7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Conservation Officer	<p>The settings and significance of two heritage assets would be affected by the proposed development:</p> <ul style="list-style-type: none"> <li>• The Parish Church of St Andrew, Farnbridge Road, Althorne – a grade II* listed building</li> <li>• The Old Forge, Burnham Road, Althorne – a locally listed non-designated heritage asset</li> </ul> <p><b>Parish Church of St Andrew</b> The development of houses on the meadow that would become Plot C would create a more suburban character within the wider setting of the parish church. Some of the current intermittent and filtered views of the church from the meadow would be interrupted by built form, although certain views of the church from this land would remain. This could represent an adverse impact on the significance of the church, but I would agree with the applicant's heritage consultant that the harm would fall at the lower end of the scale of 'less than substantial harm', to use the terminology of the NPPF.</p> <p><b>The Old Forge</b> The development of houses on the field to the south of The Old Forge would alter the main remaining component of this property's partially rural setting. However, the locally listed building is not an isolated</p>	Discussed in sections 5.6 and 5.14 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>cottage, but one that is seen as part of a ribbon developed street-scene. There is no known historical relationship between the application site and the cottage. Some harm would be caused to the significance of the building through the erosion of its semi-rural edge-of-settlement setting, but the degree of harm is likely to be of a low order, subject to the quality of the design and landscaping of the proposal which would be considered at Reserved Matters stage.</p> <p><b>Identification of the degree of harm to the significance of the heritage assets (NPPF Paras. 199-203):</b></p> <p>The proposal is likely to cause less than substantial harm to the significance of Grade II* listed Parish Church of St Andrew. The degree of harm would fall at the low end of the scale of less than substantial harm, bearing in mind the modest contribution made by the application site to an appreciation of the listed building's significance. In accordance with paragraph 202 of the NPPF, such harm must be weighed against the public benefits of the proposal. Paragraph 199 of the NPPF requires that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'. As a Grade II* listed building the church falls within the top 8% of all listed buildings nationally. In accordance with sections 66(1) of the <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i>, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.</p> <p>A low level of harm has been identified to the significance of The Old Forge. As a locally listed building, it should be regarded as non-designated heritage assets for the purpose of paragraph 203 of the NPPF.</p> <p>Overall, the conclusions of the Heritage Statement and Planning Statement in terms of the degree of harm posed to the significance of the heritage assets and the weight that should be given to this harm in the planning balance is agreed with.</p> <p>The degree of harm and the weight this should carry in the planning balance is summarised in the following table.</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response												
	<table><tr><th>Heritage asset</th><th>Importance</th><th>Degree of harm</th><th>Weight in the planning balance</th></tr><tr><td>Parish Church of St Andrew</td><td>High</td><td>A low level of less-than-substantial harm</td><td>Great weight</td></tr><tr><td>The Old Forge</td><td>Low / Moderate</td><td>A low level of harm</td><td>Moderate weight</td></tr></table>	Heritage asset	Importance	Degree of harm	Weight in the planning balance	Parish Church of St Andrew	High	A low level of less-than-substantial harm	Great weight	The Old Forge	Low / Moderate	A low level of harm	Moderate weight	
Heritage asset	Importance	Degree of harm	Weight in the planning balance											
Parish Church of St Andrew	High	A low level of less-than-substantial harm	Great weight											
The Old Forge	Low / Moderate	A low level of harm	Moderate weight											
Environmental Health	<p>No objection however, some matters require further exploration:</p> <ul style="list-style-type: none"><li>• <u>Noise from commercial uses</u> – A suitably worded condition should be included requiring further assessment of the commercial unit as the exact location and nature of the commercial units are unknown.</li><li>• <u>Noise affecting residential units</u> – depending on orientation and location of habitable rooms, noise from the railway and road to the north of the site may cause adverse impacts. The Noise Assessment suggests that some units may require higher acoustic glazing performance and alternative means of ventilation to habitable rooms. If good acoustic design has been followed and good levels still cannot be achieved the details of any acoustic measures should be conditioned for approval at the reserved matters stage.</li><li>• <u>Contamination</u> – The Ground Condition Report identifies a moderate to low risk of soil contamination on site with a moderate risk from ground gases. Further intrusive ground investigations should be undertaken and secured by a condition to confirm the prevailing ground conditions and assess the contamination of the site.</li></ul> <p>Based on the above a number of conditions are recommended.</p>	Discussed in sections 5.7 and 5.13 of the report.												
Housing	Supports the application which is meeting the 40% Affordable Housing provision to meet the affordable housing needs of the district and would welcome further discussion with the developer with regards to size and tenure of the affordable properties. The Housing Service strongly supports the application as it would make a real and demonstrable contribution to meeting the affordable housing shortfall required through the LDP. However, to fully meet the housing needs of the residents of the District the Housing Service would support a lower number of on-site	Discussed in sections 5.2 and 5.3 of the report.												

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	affordable units on the basis that the Applicant enters into discussion with the Local Planning Authority to provide a Commuted Sum, for a significant number of properties, to allow the Council to support the delivery of affordable housing throughout the District so the Council can provide a better Affordable Housing offer for the district residents as a whole.	
Ecology	<p>Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newt). The Ecological Impact Assessment (BWB, July 2022) provides confirmation that District Level Licencing will be applied for. However, if this approach is to be undertaken, an Impact Assessment and Conservation Payment Certificate (IACPC), countersigned by Natural England, will need to be submitted to the LPA prior to determination of this application.</p> <p>Conditions are recommended regarding: a Construction and Environmental Management Plan for Biodiversity (CEMP: Biodiversity) – to include precautionary method statement for reptiles; Farmland Bird Mitigation Strategy; details of SANG package.</p> <p>RAMS contributions to be secured.</p>	Discussed in section 5.12 of the report.
Arboricultural Consultant	No objection. The tree constraints identified, as part of the arboricultural investigation, should be utilised to form detailed design phrases on each housing plot with retention of high category trees prioritised. In addition, an amended Arboricultural Impact Assessment with Tree Constraints Plans (once designs are known) will require submitting for approval as part of any future reserved matters applications on the site.	Discussed in section 5.13 of the report.

## 7.4 Representations received from Interested Parties

7.4.1 **299** letters of **objection** have been received. The reasons are summarised in the table below:

Objection Comment	Officer Response
<p><b>Principle of development and sustainability</b></p> <ul style="list-style-type: none"> <li>Proposed development site used for green space by residents</li> <li>Lack of local facilities to provide basic supplies (shops etc.)</li> <li>Loss of farming / agricultural land</li> <li>Overdevelopment – would double the size of Althorne</li> </ul>	Addressed in decisions 4.1 and 5.1 of the report.



Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• Against local policies</li> <li>• Unproven local demand</li> <li>• Wrong area for a public park</li> <li>• Unsustainable development</li> <li>• Better alternative sites available</li> <li>• Smaller developments in Althorne have been refused</li> <li>• Little employment opportunity in the area</li> <li>• Proposal would not make a meaningful addition to the 5YHLS</li> </ul>	
<p><b>Highway safety and transport</b></p> <ul style="list-style-type: none"> <li>• Increased traffic volume</li> <li>• Traffic speeding dangers</li> <li>• Roads in poor condition</li> <li>• Limited sustainable transport</li> <li>• Heavy reliance on private transport (cars)</li> <li>• Inaccurate traffic survey taken during school holidays</li> <li>• Narrow roads</li> <li>• Only two access roads to / from Althorne</li> <li>• Impact of public right of way</li> <li>• Non-compliance with access and on-site turning standards</li> <li>• Insufficient parking</li> <li>• Dangers to pedestrians – footpaths insufficient</li> <li>• No road safety audit undertaken</li> <li>• Danger to cyclists</li> <li>• Existing accident blackspots in the area</li> </ul>	Addressed in section 5.8 of the report.
<p><b>Pollution</b></p> <ul style="list-style-type: none"> <li>• Negative impact on air quality</li> <li>• Increased pollution</li> <li>• Noise nuisance concerns</li> <li>• Increased carbon footprint</li> <li>• Contamination risk</li> <li>• Loss of dark sky</li> </ul>	Addressed in section 5.13 of the report.
<p><b>Infrastructure provision / capacity</b></p> <ul style="list-style-type: none"> <li>• Impacts on already at-capacity water pressure</li> <li>• Impact on an already limited infrastructure including doctors, dentists, schools, leisure facilities</li> <li>• Sewage system at capacity</li> <li>• Insufficient water supply</li> <li>• Electrical / telephone / broadband networks</li> </ul>	Addressed in section 4.4 of the report.

Objection Comment	Officer Response
<p>not fit for purpose</p> <ul style="list-style-type: none"> <li>• Lack of access to emergency services</li> </ul>	
<p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>• Displacement and loss of wildlife and habitat concerns</li> <li>• Impact on estuaries</li> <li>• Protected species in the area (Great Crested Newts etc.)</li> <li>• Too close to important wetland area, designated as an SSSI and Ramsar site</li> <li>• Risk to historic hedgerows</li> </ul>	<p>Addressed in section 5.13 of the report.</p>
<p><b>Landscape and visual impacts</b></p> <ul style="list-style-type: none"> <li>• Impact on views and landscape</li> <li>• Excessive bulk and scale</li> <li>• Unnatural and incompatible with design of existing buildings</li> <li>• Domination of current village-scape</li> <li>• Harm to the character and appearance of the local area</li> <li>• Proposed development appears densely packed</li> <li>• Sea wall erosion becoming dangerous</li> </ul>	<p>Addressed in section 5.4 of the report.</p>
<p><b>Heritage impacts</b></p> <ul style="list-style-type: none"> <li>• Impact on heritage and listed buildings</li> <li>• The War Memorial is valued by the community and would suffer a high level of harm due to the widening of the highway</li> </ul>	<p>Addressed in section 5.6 of the report. The amended scheme addressed the issue of the impact on the War Memorial.</p>
<p><b>Impact on residential amenity</b></p> <ul style="list-style-type: none"> <li>• Overlooking of existing dwellings</li> <li>• Loss of light</li> </ul>	<p>Addressed in section 5.7 of the report.</p>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Contamination risk</li> <li>• Natural burial site adjacent to Crouch Ridge Vineyard not factored in.</li> <li>• Loss of tourism</li> <li>• Refuse collection issues</li> <li>• Lack of Sport Provision</li> <li>• Lack of affordable housing provision</li> <li>• Flood risk</li> </ul>	<p>Contamination and archaeology impacts are addressed in section 5.13 of the report.</p> <p>There is no evidence to suggest the proposal would impact on tourism.</p> <p>Affordable housing is addressed in section 5.3 of the report.</p> <p>As the application is in outline form details of refuse collection would be dealt with at reserved matters stage.</p> <p>Sports provision is discussed in section 4.4.</p> <p>Flood risk is addressed in section 5.10 of the report.</p>

## 8. **REASONS FOR REFUSAL**

1. The proposed development is beyond a settlement boundary where development plan policies seek to protect the intrinsic character and beauty of the countryside. The site comprises a valued landscape with a high sensitivity to change. The resultant effect of the proposed development on the character of the landscape would be substantial and adverse. The adverse impacts of the development in terms of landscape and visual impact would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework taken as a whole. The proposal is therefore contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
2. The application includes insufficient ecological information to assess the impact of the proposed development on European Protected Species (Great Crested Newt). The proposal is contrary to Policies S1, D1, N1 and N2 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to:
  - include adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing, and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
  - secure the necessary contribution towards healthcare provision, such that the impact of the development cannot be mitigated, contrary to Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
  - secure the necessary contributions towards education provision, such that the impact of the development cannot be mitigated, contrary to Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
  - secure the necessary transport improvements such that the impact of the development cannot be mitigated, such that the impact of the development cannot be mitigated, contrary to Policies T1, T2 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework;
  - secure the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, D1, N1, N2 and I1 of the approved Maldon District Local Development Plan, the Essex Coast Recreational disturbance Avoidance Mitigation Strategy Supplementary Planning Document, and guidance in the National Planning Policy Framework.

- secure the necessary contribution towards green infrastructure and sports provision, such that the impact of the development cannot be mitigated, contrary to Policies S1 and I1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.