



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
10 DECEMBER 2025**

Application Number	25/00755/OUT
Location	Land Adjacent 13 Mill Road, Tillingham, Essex
Proposal	Outline application with all matters reserved for construction of a detached 3 bedroom house with integral garage and a semi-detached pair of 3 bedroom houses
Applicant	Mr James Emmerson - Emmerson New Homes
Agent	Mr Neil Cook – NC Design
Target Decision Date	12.12.2025 (EOT agreed)
Case Officer	Matt Bailey
Parish	Tillingham
Reason for Referral to the Committee / Council	Departure from the local plan

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.



2. SITE MAP

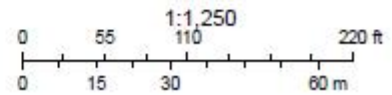
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25/00755/OUT



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-  Parish Polygon
-  Ward Polygon



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the eastern side of Mill Road, adjacent to the settlement boundary of Tillingham. The land currently forms part of the residential curtilage of No. 13 Mill Road and whilst the host dwelling, which lies to the west of the site, falls within the settlement, the application site falls just outside.
- 3.1.2 The site is located at the end of a cul-de-sac with residential dwellings to the south and west. The dwellings within the vicinity of the site are detached, two-storey properties which are similar in terms of plot size, layout and design. To the east of the site are open agricultural fields, whilst the northern boundary adjoins the village allotments.
- 3.1.3 The site amounts to 800sqm in area and is laid to grass, the land contains trees and vegetation and is used in association with the residential use of 13 Mill Road.

The Proposal

- 3.1.4 Outline planning permission with all matters reserved is sought for the construction of three dwellings – comprising a detached three bedroom house and a semi-detached pair of three bedroom houses.
- 3.1.5 The application is submitted following the recent grant of outline planning permission for two dwellings (ref 25/00496/OUT) and a number of prior similar permissions. The proposal in this case replaces the previously proposed four bedroom dwelling to the centre of the site with a pair of three bedroom dwellings, indicated as occupying the same footprint as the four bedroom dwelling of the latest approval. In essence, the scheme proposes an additional residential unit at the site within the same built envelope as the extant outline permission.
- 3.1.6 The application has been supported by an indicative block plan which shows the access to the dwellings being taken from Mill Road, with the semi-detached pair sited to the north of Mill Road and the second proposed dwelling set back within the site to the north-east of Mill Road.
- 3.1.7 Four previous applications for outline planning permission with all matters reserved for two dwellings with garage buildings have been previously approved under references 13/00366/OUT, 16/00528/OUT, 19/00447/OUT and 22/00207/OUT and 25/00496/OUT. The most recent permission was granted in October 2025 and remains extant – as such this is considered to carry significant weight in the determination of the current application.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, as set out within this report, the principle of development of the site for residential use has already been established with the grant of outline planning permission for two dwellings (most recently under application ref 25/00546/OUT). The addition of a single dwelling to the previously approved outline scheme, without increasing the site footprint above the most recent approval, would not significantly alter the character of the overall development. For these reasons it is considered that the principle of development is acceptable.

- 3.2.2 Based upon the indicative plans supporting the outline application, the design and siting of the dwellings are considered acceptable and would comprise sensitive development within the context of Mill Road. It is considered that the dwellings would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to details being provided by way of reserved matters.
- 3.2.3 The proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 82 – 84 Rural Housing
- 108 – 111 Promoting sustainable transport
- 119 -123 Making effective use of land
- 126 – 136 Achieving well designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
- Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 Policy S8 of the LDP states that the Council will support sustainable development within the defined settlement boundaries. Tillingham is defined as a 'main settlement.' 'Main settlements' are defined as "settlements with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links".

5.1.3 Policy H4 of the LDP states that backland and infill development will be permitted providing all of the criteria of the policy that refers to backland development are met (1, 2, 3 and 4). The Policy reads as follows:

"Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:

- 1) There is a significant under-use of land and development would make more effective use of it;*
- 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
- 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
- 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests."*

5.1.4 The application site is located immediately adjacent to the settlement boundary of Tillingham and has previously been found to be acceptable for the development of two residential dwellings under the terms of outline permissions granted over time (13/00366/OUT, 16/00528/OUT, 19/00447/OUT, 22/00207/OUT and most recently 25/00496/OUT granted in October 2025).

5.1.5 As explained above, this latest application seeks to create an additional residential unit over and above that already approved – but provided by way of replacing the larger dwelling with a pair of semi-detached dwellings occupying the same footprint. This is considered to represent a more effective use of the site and a benefit in terms of housing delivery. The proposal would not add any increased massing to the development already granted outline planning permission. The increase in the number of units by 1 dwelling is not considered likely to have any adverse impact in terms of traffic or highways safety (subject to detailed assessment at reserved matters stage).

- 5.1.6 Overall it is considered that the principle of development is acceptable, subject to compliance with the other relevant development plan policies and guidance.

5.2 Housing Need and Supply

- 5.2.1 On the 12 December 2024 the Government published an amended version of the NPPF. Paragraph 231 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.2.2 Paragraph 78 of the Framework states that, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land.”

- 5.2.3 Footnote 39 of Paragraph 78 states; “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance.”

- 5.2.4 Maldon District Council had prepared and published a 5 Year Housing Land Availability Report on the 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it took effect on the 12 December 2024 and there is no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in National Planning Policy Guidance. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must also put a 5% buffer onto the 5-year housing land supply. The overall effect of these changes means that the 5-year supply for Maldon District now stands at 2.70 years.

- 5.2.5 This means that Paragraph 11d of the NPPF as revised, otherwise known as the ‘tilted balance’ is engaged which states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*

- ii. *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.”*

5.2.6 Footnote 8 also states.

“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

5.2.7 In summary, if the Development Plan is more than five years old, and the Council cannot demonstrate a five year housing land supply, the balance tilts more in favour of approving development which is sustainable, makes efficient use of land, provides affordable housing and / or is well designed. However, planning policies in the local plan should not be treated as out of date just because they predate the new NPPF; such policies should be considered in light of their consistency with the revised framework.

Housing Provision and Mix

5.2.8 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment (LHNA), using the standard method set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.

5.2.9 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the district. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.

5.2.10 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.

5.2.11 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the

delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.

- 5.2.12 The proposal in this case would provide for three no 3 bedroom dwellings (of which one is detached and two are semi-detached). Whilst the net increase in housing is low and therefore considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme, this is nonetheless considered a benefit in planning balance terms (and meets the requirement for dwellings of the largest identified group within the LHNA).

5.3 Design and Impact on the Character of the Area

- 5.3.1 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.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, 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 the original building 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.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The application is in outline form with all matters reserved, therefore a detailed analysis of the scale, appearance and layout of the proposal cannot be undertaken at this stage. However, it is best practice to comment upon the indicative plans and information submitted at this stage.

- 5.3.6 As noted above the application site benefits from an extant outline permission for the creation of two dwellings. The indicatively positioning of the built form in this case is similar to the previously approved schemes, albeit a pair of semi-detached dwellings in now proposed in lieu of the larger detached dwelling. The indicative positioning of the southern (detached) property is amended slightly to better align with No 15 Mill Road to the south and to allow for additional retention of trees to the rear of the site (as indicated on drawing No 12).
- 5.3.7 The applicant has confirmed that the proposed dwellings would be two storey with an appearance similar to that of the surrounding dwellings. The footprint of the indicatively shown dwellings is similar to those observed within the wider area.
- 5.3.8 The plans submitted also provide an indication of potential site layouts and the location of parking – which would be to the front of the properties. It is noted that the size of the front driveway serving the semi-detached pair of dwellings is similar to that depicted within the recent approval.
- 5.3.9 Overall, having regard to the planning history of the site (and extant permission), it is considered that the proposed development could be provided at the site without having a detrimental visual impact on the site and surrounding area.
- 5.3.10 On the basis of the above, it is considered that the latest proposal, with an additional dwelling created, would not cause significant harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the NPPF (2024).

5.4 Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 The application site has two immediately adjacent neighbouring properties which is the host property 13 Mill Road, located to the west of the site and 15 Mill Road located to the south of the site.
- 5.4.3 As previously set out, the application is outline in form with the matters of layout, scale and appearance reserved for determination at a later date. Therefore, the full assessment of the impact of the development on neighbouring amenity would be assessed in detail at that time.
- 5.4.4 No concerns, in terms of impact on the neighbouring occupiers, has historically been raised during the assessments of the previous application and the indicatively shown built form is similar to that previously submitted – though specific improvements are indicated with the southernmost detached dwelling, which is moved forwards to better align with No 15 Mill Road (and hence reduce any potential for overlooking of the rear garden).

- 5.4.5 The host dwelling at No 13 Mill Road has been extended to the east and contains ground and first floor windows within its eastern side elevation. The site in this location measure 16.5m wide. A dwelling in this location may be subject to overlooking and loss of privacy from the existing dwelling dependent upon its layout and orientation. However, as previously stated, a development with a layout and design that is considered appropriate for the application site could be sought through a reserved matters application.
- 5.4.6 Overall, subject to the final scale, appearance and layout and providing the location of the openings are carefully considered, it is considered that it will be possible to provide a dwelling that would not have an adverse impact on the neighbouring occupiers by way of overlooking, a loss of light or domination.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. The number of bedrooms proposed within the dwellings have not been specified. However, it is considered that there is space within the site to provide off-street parking provision within the site and a condition to ensure that it is provided in line with the Council's VPS will be imposed, should the application be approved.
- 5.5.3 Access to the proposed dwelling is shown as being taken from Mill Road, utilising the existing junction, the final details are a matter reserved for future consideration. However, the Highways Authority have confirmed that they have no objections to the proposal, based on the information submitted at this time subject to a number of conditions should be imposed, should the application be approved.

5.6 Private Amenity Space, Trees and Landscaping

- 5.6.1 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 Whilst the application is for outline permission, it is noted that there is sufficient space within the application site for all dwellings to be served by private amenity area of at least 100m².

- 5.6.3 The host dwelling 13 Mill Road, would also retain sufficient private amenity space to meet the requirements of its occupants.
- 5.6.4 Landscaping would be dealt with at the reserved matters stage, and it would be expected that a full landscaping scheme, including boundary treatments, would be provided at that time and a condition in this respect has been recommended.
- 5.6.5 A number of trees are located on the site. It is noted that an objection has been raised by the Council's tree consultant in relation to the proposal – as well as an objection from a resident (based on the tree consultant's objection). Officers would note that the objection does not take into account the extant permission – which as explained above establishes the principle of development at the site. The proposed scheme in this case occupies a similar footprint to that already approved and there
- 5.6.6 In any event, given the outline nature of the proposals, further details relating to tree matters will be required at reserved matters stage and therefore a condition is proposed to address these issues at the relevant stage, along with a requirement to provide full details of the proposed hard and soft landscaping across the site.

5.7 Ecology

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network. Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.2 The development has the potential to have an impact on nature conservation interests both within the site and off-site.
- 5.7.3 The Council's Ecology Consultant, Place Services, have reviewed the submitted information and are satisfied that there is sufficient ecological information available for determination of this application providing certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable enhancement measures recommended in the submitted Preliminary Ecological Appraisal are supported. Conditions are therefore recommended to secure the measures in the submitted documents are carried out, to secure a biodiversity enhancement strategy and ensure a wildlife sensitive lighting scheme.
- 5.7.4 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the

sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.7.5 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.7.6 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitutes a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.7 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.8 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £169.45 per dwelling.
- 5.7.9 To accord with Natural England's requirements, 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, as follows:

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

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

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

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

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

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

Summary of Appropriate Assessment

- 5.7.10 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.7.11 The Essex Coastal Recreational Avoidance and Mitigation Strategy has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 and thus, the developer contribution required for the proposal would be £508.35 (for three dwellings). The applicant has already paid a contribution of £338.90 towards the previous outline permission in full during the course of this application and prior to development taking place - as such the appropriate mitigation has been secured.

5.8 Flood Risk

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan 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. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has not raised any concerns relating to the scheme. For avoidance of doubt a condition has been proposed requiring the connection of the properties to foul sewer or an appropriate system prior to occupation.

5.9 Planning balance and sustainability

- 5.9.1 One of the key priorities within the NPPF 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 an economic, social and environmental objective as set out in the NPPF.
- 5.9.2 The proposal would deliver social and economic benefits including contributing towards housing delivery with three three-bedroom, two-storey dwellings. There would also be economic activity associated with the prospective occupiers for the dwellings. These benefits are given limited weight due to the small scale of the development.
- 5.9.3 Prospective occupants would have reasonable access to shops, services and facilities and public transport connections reducing the reliance on the private vehicle. Substantial weight is given to the extant outline permission for two dwellings at the site and previous determination by planning committee supporting that scheme.
- 5.9.4 As outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.
- 5.9.5 Whilst the contribution that three additional dwellings would make towards housing land supply and economic benefits is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
13/00366/OUT	Two residential dwellings and associated garages with access off Mill Road	Approved 15.08.2013
16/00528/OUT	Outline planning permission for two residential units and associated garages with access off Mill Road (Renewal of 13/00366/OUT)	Approved 21.06.2016
17/05068/DET	Compliance with conditions notification OUT/MAL/16/00528 – Condition 5 (No trees within the site shall be felled, cut back, damaged or removed)	Conditions Refused
17/00872/OUT	Variation of condition 5 of OUT/MAL/16/00528 to allow the removal of one sycamore tree	Application Refused
17/01099/OUT	Variation of condition 5 of OUT/MAL/16/00528 to allow the removal of one sycamore tree	Approved 10.11.2017

19/00447/OUT	Outline planning permission for two residential units and associated garages with access off Mill Road (Renewal of OUT/MAL/16/00528)	Approved 21.06.2019
22/00207/OUT	Outline application with all matter reserved for two residential units and associated garages with access off Mill Road and associated parking spaces	Approved 02.10.2023
25/00496/OUT	Outline application with all matters reserved for two individual plots for a new 4 bedroom house and a new 3 bedroom house	Approved 25.09.2025

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Parish/ Town Council (summarised)**

Name of Parish/Town Council	Comment	Officer Response
Tillingham Parish Council	No response	Noted

7.2 **Statutory Consultees and Other Organisations (summarised)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways	No objection, subject to the imposition of conditions relating to the site entrance and Residential Travel Information Packs	Noted, and discussed at Paragraph 5.5 of this report.
Trees	Objection – further details required	Noted, though reference needs to be made to extant permission (similar site coverage and impact - discussed in section 5.6 above
Ecological Consultant	No objection raised - subject to securing biodiversity and enhancement measures and a proportionate financial contribution towards Essex Coast RAMS.	Noted, and discussed at Paragraph 5.7 of this report.

7.3 **Internal Consultees (summarised)**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection, subject to conditions requiring a construction management plan, surface water and foul drainage details	Comments and suggested conditions noted

7.4 Site Notice/ Advertisements

- 7.4.1 The application was advertised by way of a site notice posted on the 12 September 2025 (with expiry date for comments set at 3 October 2025). The notices were affixed to a lamppost to the eastern corner of Southfields, to the east of the site, and to a traffic sign further to the west of the site along Southminster Road.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 11 September 2025 (with expiry date for comments set at 2 October 2025).

7.5 Representations received from Interested Parties (summarised):

- 7.5.1 One objection has been received in relation to the proposal, specifically raising concerns regarding the loss of trees at the site and the effect on residential amenity associated with the loss of landscaping. This is discussed in more detail at section 5.6 above.

8 PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping, layout and access of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
 - Discharge rates/location
 - Storage volumes

- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 5 No development work above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 6 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS:5837:2012 in relation to tree retention and protection as follows:

1. Tree survey detailing works required;
2. Trees to be retained;
3. Tree retention protection plan;
4. Tree constraints plan;
5. Arboricultural implication assessment;
6. Arboricultural method statement (including drainage service runs and construction of hard surfaces).

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: To secure the retention of the trees within the site in interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 7 Prior to their use in the development written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the adopted Maldon District Local Development Plan.

- 8 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters.

These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure and details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers, car parking layout and vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation and maintenance program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 Prior to first occupation of the development, the shared vehicular access for plots 1 and 2 and the vehicular access for plot 3 shall be constructed as shown in principle on planning drawing 'Mill Road / 12', and both shall be provided with appropriate dropped kerb vehicular crossings of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 10 No surface water from the application site shall be discharged onto the highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 11 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 12 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 13 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

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

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 08:00 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

REASON: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity and in accordance with policy D1 of the Maldon District Approved Local Development Plan 2017. This information is required prior to the commencement of development to ensure that from commencement the impacts of construction are mitigated.

- 14 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, May 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

REASON: To conserve and enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.

- 15 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.

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

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

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

APPLICATION DOCUMENTS

- MILLROAD/11 – Location plan
- MILLROAD/12 – Proposed Site Plan and Location Plan
- 01 REV A – Tree Survey
- Design and Access Statement
- Arboricultural Impact Assessment
- Preliminary Ecological Appraisal