



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

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to  
**DISTRICT PLANNING COMMITTEE  
16 DECEMBER 2025**

<b>Application Number</b>	<b>25/00206/OUTM</b>
<b>Location</b>	Land West Of Spratts Farm, Queenborough Road, Southminster, Essex
<b>Proposal</b>	Outline planning application for the demolition of number 46 Queenborough Road and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters to be reserved, except for means of access.
<b>Applicant</b>	Gladman Developments Ltd, DJ Fisher Farms and L&A Barker
<b>Agent</b>	N/A
<b>Target Decision Date</b>	20.06.2025 (Time Extension requested until 19.12.2025)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development and a Departure from Local Plan Policies  'Called in' by Councillor A S Fluker due to concerns about sustainable development, strategic growth, place shaping, the delivery of prosperous rural communities, the existing settlement boundary and the prevailing countryside, the proposed design quality and built environment, Climate Change and the Environmental Impact of the development, the impact on Conservation and Heritage assets, the impact of Agricultural and Rural Diversification and how they are addressed in the proposal – Ref Policies but not limited to S1 6) 11) 12) 13, S2, S3, S7 a) b) c), S8, D1 1) c) d) e) 4) 6) 8) 9), D2 6) 10) 11), D3 1), E4 1) 3) and H4 1) 2) 3) 4) 6) 7)

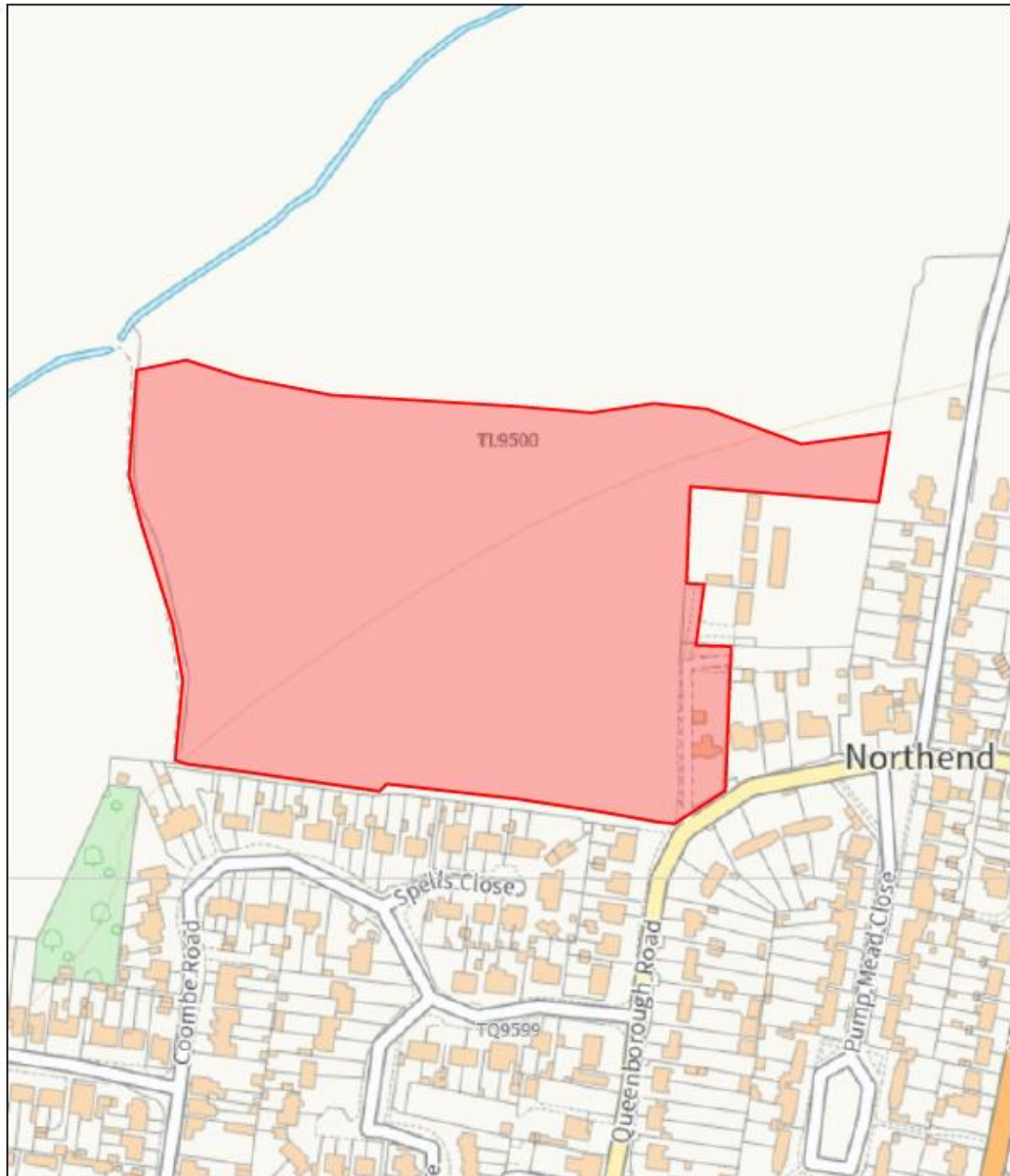
**1. RECOMMENDATION**

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

**2. SITE MAP**

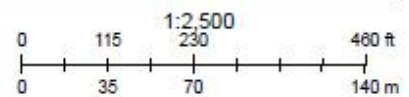
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24/00941/OUTM



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 Parish Polygon



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### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site comprises of 5.22ha of arable land around 1km from Southminster village centre. The site adjoins the defined settlement boundary for Southminster but is outside of the defined settlement boundary.
- 3.1.2 There is residential development to the south of the site at Coombe Road and Spells Close; to the east of the site is a builders' yard and to the south is residential development off Queenborough Road (the builders' yard is accessed via a track located along the eastern boundary of the site); and to the west is an arable field and to the north is farmland. A Public Right of Way (PROW) (FP1-259) runs along the site's southern and western boundaries. Overhead power lines cross the site. The land to the north continues to fall towards the brook before rising again towards Foxhall Road.

##### Description of the Proposal

- 3.1.3 Outline planning application is sought for the demolition of number 46 Queenborough Road and associated buildings and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, Sustainable Drainage System (SuDS) and vehicular access point all proposed.
- 3.1.4 All matters of detail including layout, scale, appearance and landscaping are reserved for future determination except for the means of access to the site.
- 3.1.5 The application is supported by a location plan, an indicative Development Framework plan and access plans, as well as studies and reports supporting the application. The plans for determination are the site location plan (11096-L-01-P4), proposed access arrangement plan (1727/10/B) and proposed wall plan (1727/11).

##### Access and Movement

- 3.1.6 The application seeks approval for 'access' and includes detailed plans relating to one vehicle access into the site from Queensborough Road. To create this vehicle access the existing property of number 46 Queenborough Road would be demolished.
- 3.1.7 The vehicle access would be a 'T' junction onto Queensborough Road and would comprise of a 5.5m wide carriageway with two 2m wide footways either side of the carriageway and these footways would link up to the existing footway along Queensborough Road. The bellmouth junction would measure 16.5m at its widest extent.
- 3.1.8 Moving into the site and along the access road, just after it bends right, there would be a table top style ramp with tactile paving along the footway that would allow for pedestrians to cross. Another similar arrangement is proposed further along the access road. At this stage this information is indicatively shown to demonstrate how the road layout could appear from the access onto the highway.
- 3.1.9 A separate and existing access to the existing builders' yard to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road would be

retained. This route follows the current alignment of an unmade road that serves these properties.

- 3.1.10 The existing PROW (FP1-259) runs outside of the site to the south and along the rear of the boundaries with Spells Close and Combe Road. An informal pedestrian access route has already been created to the north of this PROW as seen during the Officer's site visit. The indicative Development Framework Plan shows the future diversion of this PROW (250-1) path through the site to align with the informal pedestrian access route. The diversion of a PROW involves a separate procedure to formalise this and therefore falls outside of the scope of this planning application.
- 3.1.11 The indicative Development Framework plan shows indicative road layouts and circular pedestrian paths around the site, which would also lead into the areas of public open space and would also connect to the PROW along the site's western boundary.

#### Other Indicative Information

- 3.1.12 The applicant's Planning Statement explains that 1.97 hectares of formal and informal open space would be provided including a children's play area, a surface water attenuation basin (positioned in the NW corner of the site), structural planting, a community orchard and landscaping.
- 3.1.13 The proposal would provide 30% affordable housing provision.

### **3.2 Conclusion and Planning Balance**

- 3.2.1 In summary, the proposed development would have benefits, harms and neutral impacts and the sub-headers below assesses each of these giving a weighting that has led to the recommendation for this application

#### Benefits

- **Sustainable Development** – The site is located in a sustainable location 0.2 miles from the centre of Southminster which is identified as a 'larger village' in policy S8 of the Local Development Plan (LDP) and includes services, facilities and access to sustainable transport networks including bus and train services. Significant weight.
- **Housing Land Supply Position** – The Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS) to meet the requirements of the NPPF. The tilted balance is therefore applied as policy S2 is currently out of date and not in accordance with the requirements of the National Planning Policy Framework (NPPF). Substantial Weight.
- **Affordable Housing** – The proposal would provide a policy compliant level of affordable housing (30% of the development) and this would contribute to the Council's housing land supply position and identified need for affordable housing in the District. Substantial weight.
- **High Quality Design and Energy Efficient Development** – The proposal would provide opportunity for a high-quality designed development and the incorporation of energy efficient buildings and the use of renewable energy installations to help address the impact of climate change. As this would be detailed in the reserved matters, at this stage, this is given Moderate Weight.
- **Green Infrastructure and Ecology and Biodiversity Improvements** – The current agricultural field would be lost but this would lead to benefits through the provision of new, improved and enhanced green infrastructure in the form

of landscaping, open space and surface water drainage systems that would also lead to a net gain biodiversity value at the site with a potential 10.59% biodiversity gain in habitat units and a 38.11% gain in hedgerow units. Moderate Weight.

- **Developer Contributions** – Other than policy requirements to mitigate the impact of the development in terms of affordable housing, education, healthcare and Essex RAMs financial contributions, ECC are requiring a financial contribution of £310,000 to towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon. In accordance with paragraph 101 of the NPPF it states that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”. Significant weight.

#### Harm

- **Loss of Agricultural Land** – Grade 3a and 3b agricultural land would be lost as a result of the development. Limited weight.
- **Landscape and Visual Impact** – The site is located outside of the settlement boundary for Southminster and is consequently contrary to policy S8 of the LDP. The proposal would lead to the urbanisation of the countryside in this location resulting in harmful landscape and visual impacts. However, given the views of the independent landscape consultant, this consideration is given Moderate Weight.
- **Residential Impact** – The proposed access would lead to additional noise/disturbance and activity in this location through increased traffic and use of the site, which would impact upon the immediate neighbouring property to the east. Although mitigation to the noise impacts is identified, it is recognised a degree of harm would remain. Moderate Weight.

- 3.2.2 The proposal would lead to neutral impacts that are neither beneficial nor harmful and would include standard requirements for major planning applications such as the provision of onsite surface water drainage systems. These neutral impacts also include the technical considerations of heritage impact, air quality, ground conditions and contamination where there would be no harm nor benefit.
- 3.2.3 Based on the above it is considered that the identified benefits of the proposal would, on balance, outweigh the identified harms and therefore the application is recommended for approval subject to the planning conditions and planning obligations as set out in the recommendation section and the conditions and heads of terms section of this report.

#### **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
- 54-58 Planning Conditions and Obligations

- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

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

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards (VPS) SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) SPD
- Green Infrastructure Strategy (2019)
- Affordable Housing and Viability SPD (2019)
- Rural Facilities Survey and Settlement Pattern (2023\_
- Local Housing Needs Assessment (LHNA) (2025)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the 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 The LDP Proposals Map identifies that the site is located outside of the defined settlement boundary of Southminster. Therefore, policies S1 (Sustainable Development) and S8 (Settlement Boundaries and the Countryside) apply.
- 5.1.3 Policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption, but still follows the approach of the current NPPF in considering the economic, social and environmental role of achieving sustainable development. This is assessed in more detail below.
- 5.1.4 With regard to policy S8, Southminster is defined as a 'larger village' in the settlement hierarchy table and the policy identifies that *'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'*. Furthermore, the policy states that *'Outside of the defined settlement boundaries... planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'*. This means the proposed development would be unacceptable in principle and contrary to policy S8 as none of the policy exceptions listed in the policy would apply to a residential development. The Rural Facilities Survey and Settlement Pattern is more recent and an evidence base for a new Local Plan (2023) and also identifies Southminster as a 'larger village' based on the services and facilities it has to offer.

#### The Policy Position and the 5YHLS Position

- 5.1.5 Policy S2 (Strategic Growth) of the LDP plans for a minimum of 4,650 dwellings between the Plan's period of 2014 to 2029 with strategic growth to be delivered through urban extensions to Maldon, Heybridge and Burnham-on-Crouch. Outside of these locations the policy allows for housing through Neighbourhood Plans and a windfall allowance. A proportion of new development will be directed to the rural villages to support rural housing needs based on the settlement hierarchy approach, although there are no allocated sites in the current LDP for village extensions. As a consequence, a development such as proposed in this case would be considered as a 'windfall site' for the purposes of policy S2.
- 5.1.6 Up until early December 2024, the Council was able to demonstrate a 5YHLS of 6.3 years. The 5YHLS is a requirement for Local Authorities to identify and maintain a supply of land suitable for building a minimum of five years' worth of housing. This supply includes deliverable sites where homes can be built within that timeframe. As a result of the change in the methodology of calculating the housing needs of the District in the NPPF, (December 2024) the Council cannot now demonstrate a 5YHLS. This means that Maldon District needs to accommodate more housing than the requirements set out in Policy S2 of the LDP, which states that 276 housing units per annum are required throughout the lifetime of the plan. The changes has given rise to a requirement of 583 housing units per annum (LHNA, 2025) and, given this position policy S2 can no longer be considered 'up to date' in

terms of delivering the required housing. The default position is that development proposals will need to be considered on the basis of whether they are sustainable or not, in accordance with the requirements of the NPPF and policy S1.

- 5.1.7 Paragraph 11d (ii) concerns the 'titled balance' where a favourable decision is likely to 'tilt' in favour of sustainable development 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'*.

- 5.1.8 In addition, at an extraordinary meeting of the Council on 17 June 2025 Members considered the Maldon District Council (MDC) LDP Review Growth Options and it was agreed:

*That strategic growth in the Local Development Plan Review should go into the Towns and large villages – these being Maldon, Heybridge, Burnham-on-Crouch, Southminster, Great Totham South, Tollesbury, Latchingdon, Tillingham, Tolleshunt D'Arcy, Wickham Bishops and Mayland.*

- 5.1.9 As stated above Southminster is considered as a location for strategic growth.

#### Sustainability

- 5.1.10 Given the decision at extraordinary meeting of the Council on 17 June 2025 with the inclusion of Southminster as a strategic growth location, it is therefore considered that Southminster is a sustainable location to accommodate growth as the third largest settlement in the District. However, consideration needs to be given to the NPPF's sustainability considerations and policy S1 in light of the titled balance in favour of sustainable development.

- 5.1.11 Consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF.

- 5.1.12 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. However, because the Council cannot demonstrate a five-year supply of deliverable housing at present this means that sites outside of the defined development boundaries could be assessed to be sustainable locations for development when applying the sustainability objectives of the NPPF. The Local Planning Authority (LPA) is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These are assessed below.

- 5.1.13 Accessibility is a key component of the environmental dimension of sustainable development.

- 5.1.14 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Paragraph 105 of the NPPF acknowledges that *"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"*.



- 5.1.15 In terms of accessibility, the village centre is 0.2 miles from the site and can be easily accessed by walking or cycling. The village centre includes a range of facilities and services including a church, a pre-school, infant and primary school, library, public houses, a swimming pool, a number of shops and take-aways, a brewery, employment sites, a veterinary clinic, doctors surgery village hall, recreation ground and facilities.
- 5.1.16 In addition, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Southminster has a railway station serving other stations in the District and connecting to London, and bus services to other parts of the District and onto Chelmsford. The site is within walking distance of the services and facilities of the settlement. The railway station is 0.6 miles from the site, and the village centre is 0.2 miles where there are bus services to and from the village.
- 5.1.17 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.18 In terms of the economic dimension of sustainable development, the construction phase of the development would bring jobs to the area and the operational phase, when the dwellings are occupied would bring in new people who would spend money in the local area and benefit local businesses. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area. These are recognised as economic benefits of the proposed development.
- 5.1.19 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District including the provision of bungalows which are needed in the District to assist with the District's ageing population. The development would help create a new community at this site.
- 5.1.20 For the environmental objective, and subject to the technical assessment of each material planning consideration, the proposed development would allow for the opportunity for the delivery of a high-quality designed housing development that would benefit from the latest energy efficiency requirements to help tackle climate change, there is an opportunity for ecology and biodiversity gain and on site surface water management measures to reduce flooding. As identified above the site is in a sustainable location close to the centre of Southminster for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.

#### Call for Sites

- 5.1.21 The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference SMIN5. The outcome of this process found that the site was identified as potentially suitable for residential development.
- 5.1.22 The applicant refers to the assessment of the site as part of the HELAA which is as follows: *'On balance it is considered that development of the site would be suitable. The site is located within walking distance of services and facilities in Southminster, including the train station, school and doctors. Walking is safe from the site because there is pavement connection on Queenborough Road linking with the wider pavement network. The site is large enough to ensure the provision of landscaping, open space and the maintenance and improvement to public transport. Extensive*

*landscaping and green space would mitigate against the impact on the wider landscape and townscape. There is high surface and river flood risk but this could be mitigated against.'* However, Officers agree with the applicant that *'In the context of paragraph 49 of the Framework, no material weight can be afforded to the Local Plan Review for the purposes of development management.'*

- 5.1.23 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

#### Appeal Decisions

- 5.1.24 To the north east of Southminster adjoining the settlement is a site known as Land north of Homefield and west of Tillingham Road which was subject to a planning application (23/01244/OUTM) for up to 220 dwellings that was refused planning permission and then dismissed on appeal. The appeal was dismissed on the grounds of harm to the character and appearance of the area as the development would have conflicted with policies S1 and D1 of the Local Plan. The Inspector did not object to the application on grounds of the principle of the development nor sustainability and recognised the Council's position with regard to the 5YHLS and the need for affordable housing attaching substantial weight to those material considerations.
- 5.1.25 A more recent planning appeal decision at a site known as Glebe Meadow to the south eastern side of Southminster for a development of 36 dwellings was dismissed on appeal for multiple reasons (reference 24/00017/FULM). This appeal is referenced because it considered policy S8 and referenced that site had a rural character on the edge of Southminster, so there are similarities with this application site. The appeal site was considered by the Inspector who stated that the development would have *'an urbanising effect on the rural character and would not have at least a limited adverse impact upon the intrinsic character and beauty of the countryside'*. The proposal was found to be at odds with the spatial strategy in policy S8.

#### Loss of a Dwelling

- 5.1.26 The proposal would result in loss of a dwelling but would result in the net gain of new dwellings on the site and therefore the loss of the dwelling to allow for dwellings as needed for the Council's housing supply does not raise any objections.

#### Loss of Agricultural Land

- 5.1.27 NPPF paragraph 187 b) recognises the wider benefits of the best and most versatile agricultural land and footnote 65 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.1.28 The previous planning application that was refused planning permission included the following reason of refusal:
3. The development would potentially result in the loss of Grade 3a, Best and Most Versatile agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF.
- 5.1.29 The Agricultural Land Classification identifies that the whole site is land that is grade 3 but this is broken down as follows: 3a (4%) and 3b (96%) agricultural land. The majority of the agricultural land is classified as grade 3b land which is not the Best

and Most Versatile land and therefore there is no conflict with paragraph 187 b) of the NPPF which considers that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred, for future development. The loss of agricultural land has to be considered in the overall planning balance when assessing this application. The loss of agricultural land has to be balanced with the housing needs of the District and the need for housing outweighs the loss of grade 3b agricultural land particularly given the Council's 5YHLS position with the tilted balance engaged.

#### Summary of Principle of Development

- 5.1.30 Taking into consideration the two recent appeal decisions on the edge of Southminster and the relevant LDP policies (as stated above), the proposed development outside of the settlement boundary is contrary to policy S8, but as the current NPPF has changed the methodology for calculating housing need in the District, the Council now finds itself in a position where it does not have a 5YHLS. Consequently, this means that the tilted balance through the NPPF's 'presumption in favour of sustainable development' applies. The development of sites such as this outside of settlement boundaries need to be assessed as to whether the development is sustainable development to meet the definition within the NPPF and policy S1. For the reasons explained above the site is considered to be located in a sustainable location as an extension to the village which provides good a range of facilities, services and various transport modes/links for accessibility. This position along with the Council's intentions for Southminster as a strategic growth option furthers assists in identifying that the principle of the development is acceptable.

## **5.2 Affordable Housing and Housing Mix**

- 5.2.1 Policy H1 (Affordable Housing) requires an affordable housing contribution for housing developments of more than 10 units or 1,000 sqm of floorspace and in this location, Rural South East Higher, as defined in the policy, the requirement is for 30% of the development to provide for affordable housing in accordance with the Council latest Housing Needs Assessment.
- 5.2.2 The Planning Statement confirms that the proposal would provide 30% affordable housing (33 affordable homes) on site. The Council's Housing Officer supports the proposal subject to securing a policy compliant level of affordable housing with a tenure split of 75% affordable rent and 25% intermediate housing as there is a significant demand for affordable housing in the District. The full details of the affordable housing provision can be secured through a planning obligation to a S106 legal agreement.
- 5.2.3 A S106 Agreement would ensure that the above requirements are met, it would also ensure that:
- 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 MDC'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.

- 5.2.4 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-ambles to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings, but to create a better-balanced stock to meet the needs of an ageing population and the needs of young people, there is a need for a higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements for the district is set out in the LHNA, which was published in September 2025. This, like the pre-ambles to policy H2, identifies the need for 1, 2 and 3 bedroom units for market and affordable housing. In more detail, the highest percentage of need is for 2 and 3 bedroom market units and affordable home ownership, and a need for 1, 2 and 3 bedroom affordable rented housing.
- 5.2.5 Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.
- 5.2.6 This outline application does not include any details of the future housing mix for this site. This was raised with the applicant, but their approach is to use a planning condition to provide the housing mix details at reserved matters stage. A planning condition can be imposed requiring the housing mix through the future reserved matters application to accord with the latest LHNA or any subsequent LHNA to therefore ensure the development meets the housing mix requirements of policy H2 and accommodation for specialist needs of policy H3.

### **5.3 Design Considerations and Landscape and Visual Impact**

- 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. The NPPF states that:
- 'The creation of high quality 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'.*
- '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'.*
- 5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - 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.
- 5.3.4 Policy D2 requires all development to minimise its impact on the environment by incorporating energy efficiency to help address the impact of climate change.
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 Other than the location plan and access plans, an indicative Development Framework plan provides details showing how the site could be laid out.

#### Layout

- 5.3.7 As an outline application 'layout' is not for determination and will be determined through a future reserved matters process. The indicative Development Framework plan shows the access road leading into the site as the main spine road which then splits to create a crescent arrangement with secondary roads shown. The grey coloured areas of the indicative Development Framework plan represent the land parcels within development where housing would be built which measures 3.77 hectares of land in total. Around the edges of the site landscaping is shown and a circular pedestrian route around the site leading to a play space area towards the northern boundary of the site and pedestrian links the PROW.

#### Scale and Appearance

- 5.3.8 As an outline application 'scale' and 'appearance' are not for determination and will be determined through a future reserved matters process. The applicant's Design and Access Statement shows that the scale of development is envisaged to be two storeys in height and the appearance of the dwellings would reflect the local vernacular to include weatherboarded and rendered finishes to the elevations. Around the edges of the site dwellings would front onto the road and areas of open space which creates an acceptable design approach and provides natural surveillance to the open space and play space area. Whilst not included within this application the reserved matters provide the opportunity for energy efficient buildings and the use of renewable energy installations to help address the impact of climate change.

#### Open Space, Amenity and Landscaping

- 5.3.9 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 25m<sup>2</sup> for flats.
- 5.3.10 As an outline application 'landscaping' is not for determination and will be determined through a future reserved matters process. The indicative Development Framework plan includes areas of informal and formal open space within the site, this would mainly be around the edges of the site and within a central location within the site. The applicant's Planning Statement identifies that an area of Locally Equipped Area of Play (LEAP) and a community orchard would be provided within the 1.97 hectares

of land allocated for landscaping and open space. An attenuation basin as part of the surface water management arrangements would be located in the site's north west corner and would also become a landscape feature of the site. There would also be a triangular area of open space within the centre of the development. The applicant's Design and Access Statement shows a sketched plan of how this area could be developed.

- 5.3.11 Given the size of the site and the number of dwellings proposed, whilst the housing mix is not known at this stage, it is anticipated that the layout of the site could be developed as proposed and comply with the minimum private amenity space standards referred to above and with properties of sufficient size including back-to-back distances which would provide an adequate quality of life and living conditions for the future occupiers.
- 5.3.12 The applicant's Design and Access Statement explains that street tree planting will be located along the main access route along with tree planting around the open space areas of site's boundary. The Arboricultural Appraisal identifies the majority of tree cover is along the linear boundaries of the site with the main part of the site being an agricultural field. There were a number of low-quality trees (Category C). There were two Category B trees in the rear gardens of properties adjacent to the site and all Category A trees were outside of the site. The only areas where tree removal would occur would be at the front of the site where the proposed access is proposed. Having reviewed the application, the Place Services Tree Consultant has no objections subject to a condition requiring the retention and protection of existing trees.

#### Landscape and Visual Impact

- 5.3.13 LDP policy S1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply 14 key principles in policy and decision making that include: *12. Maintaining the rural character of the District without compromising the identity of its individual settlements*. Paragraph 187 of the NPPF requires planning decision to contribute and enhance the natural environment by protected and enhancing value landscapes and the intrinsic character and beauty of the countryside.
- 5.3.14 At a local level, the Essex Landscape Character Assessment (2003) locates the site within the 'South Essex Farmland' Landscape Character Area. The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) locates the site within the 'Tillingham and South Latchingdon Coastal Farmland' Landscape Character Area (LCA). This LCA has a 'Moderate' sensitivity to change. The key characteristics for this character area include:
- Gently undulating arable farmland behind the coastal marshland, locally quite steep;
  - Heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay;
  - Distinctive long hedgerow boundaries running on parallel axes are a common feature, thought to be the result of ancient planned enclosure;
  - Dutch elm disease has made elm loss noticeable in hedgerows;
  - Right-angled bends in lanes reflect ancient field patterns;
  - Settlement pattern follows underlying soils – sand and gravel formations on a ridge between Bradwell and Burnham – elsewhere on settlement slopes in clay areas.

5.3.15 The previous application was subject to the following reasons of refusal:

- 1 The development, as a result of its location, nature and extent, would cause harm to the character and appearance of this rural site and its surroundings, contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.

5.3.16 Consideration needs to be given as to whether this previous reason of refusal has been addressed having regard to changes shown in this previous application when compared to the current application. The previous application does not include any of the Parameter Plans subject of this application. An assessment of the differences has been undertaken comparing the Development Framework, which is very similar to the previous application.

5.3.17 The applicant's Landscape and Visual Impact Assessment (LVIA) states that 'the site is not subject to any landscape quality designation and lies outside of a National Park, Area of Outstanding Natural Beauty and any locally designated landscape areas. The site, nor the immediate landscape, contains any rare or unusual landscape features and so it is concluded the site does not comprise a valued landscape'.

5.3.18 The applicant's LVIA considers the site has a medium susceptibility to change being an area of land at the edge of the existing town and is influenced by settlement edge characteristics. The applicant's LVIA has determined the site has a medium landscape value overall and that the most noticeable effects of the proposed development would occur within the site itself where development would be built and replace existing farmland. The new housing would have an urbanising effect on the site's southern and eastern boundaries. The proposed development would also be set back from more sensitive landscape receptors including the PROW and existing vegetation to the south and west. The applicant's LVIA considers that the combination of new tree and hedgerow planting would help integrate built form within its immediate landscape setting and at completion stage this would have a 'moderate adverse landscape effect' and this would reduce to a 'moderate to minor adverse landscape effect'.

5.3.19 In conclusion the applicant's LVIA states that 'it is considered that the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Southminster and could be accommodated within the site and local landscape without resulting in any unacceptable landscape or visual effects'.

5.3.20 To assist in the assessment of landscape and visual impact an independent landscape consultant was appointed to review the applicant's LVIA.

5.3.21 In terms of the impact upon Landscape Character, the independent landscape consultant acknowledges that the proposed development would inevitably alter the character of the site and its constituent features, recognising the site would become more urbanised. The independent landscape consultant considered that the '...proposed development will sit well with Southminster's northern edge and will represent a modest extension to the existing built form. There is ample room along the site's northern and western buffer zone to provide a soft vegetated edge to the proposed development which would limit any effect on the wider LCA'. 'It is my opinion that magnitude of landscape effect should be assessed as major as the character of the site will be irrevocably changed by the proposed development'. In terms of the overall effect the proposed development will have on the wider Tillingham and Latchingdon Coastal Farmland LCA as minor adverse for the

construction phase, upon completion and at 15 years post completion – the independent landscape consultant concurs with the conclusions of the applicant's LVIA.

5.3.22 In terms of the Visual Effects, the independent landscape consultant is satisfied with the 12 visual receptors and 15 viewpoint locations from the applicant's LVIA. It is recognised by the independent landscape consultant that the landscape buffer to the northern edge of the site is of a sufficient size to achieve the suitable mitigation for any visual impact. The independent landscape consultant agrees with the applicant's LVIA on the assessment of visual effects and that suitable mitigation can be agreed through the reserved matters.

5.3.23 In his overall conclusion the independent landscape consultant considers that the outline scheme as proposed can mitigate for any significant harm to both the wider landscape and the identified viewpoints. In addition, and should the proposed development be approved, it is requested that the following is achieved:

- Comprehensive soft landscape plans showing location, number, size and species for trees and hedgerows.
- Mitigation Strategy setting out how significant effects on visual receptors have been addressed.
- Landscape Management Plan for a minimum 20-year period.

#### Conclusion to this section

5.3.24 In summary, there are no objections raised to the indicative layout, scale, landscaping, open space and amenity aspects of this application which in detail would be secured through the reserved matters. The proposal would lead to the urbanisation of this site and would result in harm to the landscape and visual impact of the site but as identified above no objections have been raised from the assessments undertaken from different landscape consultants and most importantly, for the Council's perspective, an independent landscape consultant does not object to the application on landscape and visual impact grounds, subject to securing the landscaping mitigation as identified, which can be secured through planning conditions and the reserved matters. The LVIA of the application demonstrate that there would not be any adverse impact for the development to be considered contrary to policies S1 and D1 of the LDP.

## **5.4 Access, Parking and Highway Safety**

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

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

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



- 5.4.4 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.5 This application is submitted with all matters reserved, except for access and as such, the matter of access is considered in detail as part of this application. Other matters such as the internal site layout, including car and cycle parking provision, delivery and servicing and emergency vehicles access, would be addressed via subsequent reserved matter applications should outline consent be granted.
- 5.4.6 The application is supported by a Transport Assessment (TA) which includes details of the access, visibility splays and trip rates has been assessed by the local highway authority, at Essex County Council (ECC).
- 5.4.7 The previous application was subject to the following reason of refusal and this assessment is to assess whether the reason has been addressed:
2. It has not been demonstrated that the impact of the development on the local highway network is acceptable in terms of highway safety, contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

#### Access

- 5.4.8 The proposed access plan (1727/10/B) has been subject to Road Safety Audit during the course of this planning application in response to an earlier objection from the local highway authority. To facilitate the proposed vehicle access to the site no.46 Queensborough Road would be demolished. The proposed vehicle access would be a 'T' junction onto Queensborough Road and would comprise of a 5.5m wide carriageway and a two 2m wide footways either side of the carriageway that would link up to the existing footway along Queensborough Road. The bellmouth access shown on the plans is for determination with the access road into the site being indicative as that would be determined with the reserved matters for 'layout'. Indicatively shown along the access road there would be two tabletop style ramps for traffic calming and pedestrian crossings.
- 5.4.9 The proposed access arrangement requiring the need to demolish number 46 Queensborough Road and this is an unusual access arrangement, but this appears to have been completely influenced by the current arrangements of a unmade separate access to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road, which prevents difficulties from forming a vehicle access without leading to changes to this unmade access. During the course of the application Officers requested further clarification on this but the applicant has explained that due to legal reasons it has not been possible to amend the unmade access arrangements and the applicant has confirmed that they have no ability to 'lift and shift' the unmade access track. Therefore, as a result the separate unmade access would be retained in its current form. That unmade access would cross the proposed access road into the site ensuring that the unmade access arrangements is maintained as existing, apart from the new crossing point. The applicant has stated

that access to the existing builders' yard and to Mead House to the rear of 48-52 Queensborough Road can use the new access proposed through this application.

- 5.4.10 The Local Highway Authority have considered the access arrangements and they have no objections the proposed vehicle access arrangements subject to planning conditions to ensure that the site access to be provided with the visibility splays on drawing no. 1727/10/B; requirements for dropped kerb crossing and a 2m footway either side of the access road and a dropped kerb crossing together with tactile paving on Queensborough Road; improvements and dropped kerb at the junction of Queensborough Road with High Street; dropped kerbs and tactile paving at a number of junctions.
- 5.4.11 For pedestrian access, in addition to the footways either side of the vehicle access into the site the current informal pedestrian access along the southern part of the site, the PROW would provide further pedestrian access points from the site's south eastern point onto Queensborough Road and along the site's southern and western boundary as shown on the indicative Development Framework plan.

#### Vehicle Movements and Highway Impact

- 5.4.12 The applicant's Transport Assessment has undertaken traffic survey work and using the existing traffic information. The applicant's Transport Assessment identifies that the development can be delivered without significant detrimental impacts to the highway network and that takes account of various growth scenarios if other live planning applications were to received planning permission. The Local Highway Authority have no objections to the vehicle movements or associated highway impacts.

#### Parking

- 5.4.13 The applicant's Transport Assessment has identified that parking would be provided in accordance with the Council's adopted VPS. The parking shall be provided for each dwelling, depending on the number of bedrooms per dwelling and visitor parking. This parking provision shall include electric vehicle parking and disabled parking. The applicant's Transport Assessment identifies that cycle parking shall be provided in accordance with the VPS. As an outline application this level of information is acceptable as the future reserved matters shall determine the layout of the site and the parking requirements can be subject to a planning requiring all parking requirements to adhere to the Council's adopted VPS. This would then also achieve the requirements of policy T2 of the LDP.

#### Travel Plan and Passenger Transport Considerations

- 5.4.14 The application includes a Framework Travel Plan that sets out a range of measures to reduce single occupancy car trips to/from the development by promoting the use of sustainable modes of travel (walking, cycling and public transport) and car sharing. A Travel Plan Co-ordinator would be appointed to produce, implement, update and monitor the Travel Plan. In addition to this Residential Travel Information Pack, as also required by the Highway Authority, would be issued to each household and this includes details on walking, cycling, electric vehicles, buses, trains, taxis, car sharing, car clubs, electric vehicle charging, school transport and travel information. The local highway authority requires an updated travel plan with an annual monitoring fee of £1,817 per year from year 1 until final occupation. In addition to this a planning condition to secure provision of Residential Travel Information Pack for each dwelling is also sought.

- 5.4.15 The applicant's Transport Assessment also states that bus contributions shall be paid to the Transport Passenger Services at ECC along with a contribution towards school bus travel. The local highway authority requires planning obligations in the form of a contribution of £310,000 towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

#### Summary of Highway Considerations

- 5.4.16 Overall, subject to the mitigation as identified being secured through planning conditions and planning obligations there are no objections raised on highway grounds and the previous reason of refusal has therefore been addressed. Therefore, the proposed development would therefore accord with policies T1 and T2 of the LDP and the requirements of the NPPF for the purposes of this outline planning application. Further highway details regarding the layout of the development shall be secured through the reserved matters.

### **5.5 Flood Risk and Drainage**

- 5.5.1 Paragraph 170 of the Framework directs inappropriate development in areas at risk of flooding away from areas at highest risk.
- 5.5.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.5.3 The site lies within Flood Zone 1 which means it is at the lowest risk flooding and is not at risk from surface water flooding or any sources of flooding from the Council's Strategic Flood Risk Assessment (SFRA). In accordance with the guidance in the NPPF and Planning Policy Guidance (PPG) there is no requirement for the Sequential and Exception Tests to be undertaken on this basis.
- 5.5.4 Due to the site area being more than 1ha, a Flood Risk Assessment and Outline Surface Water Drainage Strategy (FRA) has been submitted as part of the application. The applicant's FRA identifies the topography of the land to range between 13.8m AOD (Above Ordnance Datum) in the north western boundary corner to 23.8m AOD at the south east side boundary. The FRA identifies that all sources of flood risk at very low.
- 5.5.5 Within the site the FRA states that basins would provide surface water storage and attenuation, and permeable paving can be incorporated into private roads, shared surfaces and driveways that are part of the development. The FRA details how the scheme incorporates SuDS that would manage the outfall of water from the site to the 1 in 100-year flood event with additional allowance for climate change to the watercourse outside of the northern site boundary across land in the same ownership as the applicant. The discharge rate will be the 1 in 1 year greenfield run off rate. The Lead Local Flood Authority (LLFA) at ECC has no objections subject to planning conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements.
- 5.5.6 Foul drainage would be pumped and connected to the existing public sewer in Queensborough Road. Anglian Water has also raised no objections subject to a planning condition to secure strategic a foul water strategy.

- 5.5.7 Overall, no objections are raised on flood risk and drainage grounds and mitigation is identified and can be secured through the use of planning conditions having regard to the requirements of policy D5 of the LDP and the policies and guidance in the NPPF / PPG.

## **5.6 Ecology and Biodiversity**

- 5.6.1 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.
- 5.6.2 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.
- 5.6.3 The development has the potential to impact both on-site and off-site nature conservation interests.

### On Site Ecology and Biodiversity Net Gain (BNG)

- 5.6.4 The applicant's Ecological Impact Assessment states that the site was noted to have provided some degree of suitable habitat for a range of protected/notable species including bats, birds, hazel dormice, reptiles, and riparian mammal surveys for which are being conducted during the 2022/2023 survey season. A low population of slow worm and common lizard were recorded on-site as well as a range of common and widespread bats. Static bat detector surveys have picked up a small number of barbastelle bat echolocation registrations. Mitigation and enhancements measures are to be proposed and can be secured through planning conditions. The Appraisal concludes that mitigation measures would ensure the protection of protected species recorded onsite presently and that the creation of green infrastructure including grassland scrub and the planting of trees and shrubs will provide improvements to the habitat diversity within the site and would benefit a number of fauna species.
- 5.6.5 With regard to BNG, the application proposes a potential 10.59% biodiversity gain in habitat units and a 38.11% gain in hedgerow units. The applicant's Ecological Impact Assessment states that this will be achieved through the enhancement of existing retained habitats and creation of native species-rich grasslands, mixed scrub, individual trees and new wetland features
- 5.6.6 Place Services Ecology have no objection subject to planning conditions requiring the actions of the Ecological Impact Assessment to be implemented, a Construction Environment Management Plan (CEMP) for biodiversity, a Biodiversity Enhancement Strategy, details of wildlife sensitive lighting, Landscape and Ecological Management Plan. A standard BNG condition can be included as an informative.

### European Designated Sites

- 5.6.7 The site falls within the recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. 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 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.

5.6.8 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites. The applicant's proposed illustrative masterplan includes public open space and circular walking routes for recreational activities.

5.6.9 To accord with Natural England's (NE) 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 findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for 110no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? Yes, the proposal is for 110no. dwellings

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

#### Summary of Appropriate Assessment

5.6.10 As the answer is a yes within HRA Stage 2 then in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) the local planning authority, as the competent authority, has to undertake the HRA Appropriate Assessment and has as set out below:

5.6.11 The development is for up to 110 dwellings within the 22km ZOI of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Foulness SPA and Ramsar site, Essex Estuaries Special Area of Conservation (SAC), Crouch and Roach Estuaries SPA and Ramsar site and Dengie SPA and Ramsar site. Within this ZOI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation. The application is considered by MDC to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity.

5.6.12 The developer has confirmed and agreed that the following will be incorporated within the development, as set out within the applicant's Shadow Habitat Regulations Assessment:

- The proposal to deliver 110 dwellings will generate 259 new residents (based on 2.35<sup>1</sup> people/dwelling) and 33 dogs (based on Kennel Club figures for 30% households owning a dog). As a result, the applicant has identified that a 2.377ha of greenspace including SUDs will be delivered in the Development Framework (FPCR, April 2023), as well as a circular footpath route around the perimeter of the site with connections to the local public rights of way network, including the Woods & Lanes of Southminster Walk (3.6KM). This 'Sustainable Accessible Natural Greenspace (SANGs) like provision' is greater than Thames Basin Heath Guidelines of 8ha of SANGs per 1000 individuals (only 2.072ha would be required based on the development only generating 259 new residents). Therefore, the Council considers that this will appropriately provide suitable natural greenspace for this application.
- Recreational opportunities shall be promoted by way of an information board on site for the high-quality greenspace to be provided and connections to the local public rights of way network. To secure the management and maintenance of these provisions, the developer will produce a long term management plan at Reserved Matters and has committed to including signage for new residents to promote the open space and nearby PROW for recreation purposes.

5.6.13 The above shall need to be secured and a prior to occupation planning condition for on-site measures shall need to be secured along with a planning obligation to include the long-term management and maintenance of these provisions.

5.6.14 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and therefore, the developer contribution should be calculated at this figure. For this application a financial contribution of £18,639.50 is required based on the current tariff applied for RAMS mitigation.

5.6.15 Natural England has no objection subject to securing appropriate mitigation as the site falls within the 'zone of influence' for one or more European designated site on the Essex coast. The development will require an Appropriate Assessment to be undertaken by the competent authority.

5.6.16 The conclusion of the HRA Appropriate Assessment is as follows:

*'Having considered the proposed avoidance and mitigation measures above and compared these against Natural England's advice in Annexes I and II, Maldon District Council concludes that with implementation of these mitigation measures, the development will not have an Adverse Effect on the Integrity of the Habitats (European) sites included within the Essex Coast RAMS , either alone or in combination with other plans and projects'.*

*'Having made this Appropriate Assessment of the implications of the development on the Habitats sites in view of those sites' conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)'.*

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### Conclusion to this section

- 5.6.17 Subject to the mitigation measures as identified and the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to policies N1 and N2 along with the guidance and paragraphs of the NPPF/PPG.

## **5.7 Impact on Neighbouring Amenity**

- 5.7.1 The basis of policy D1 in 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.
- 5.7.2 Reason 4 from the previous application is stated below:
4. Use of the vehicular access proposed to serve the development would result in noise and disturbance being caused to the occupiers of the neighbouring residential dwelling (no.48 Queensborough Road) to the detriment of their amenity, contrary to Policy D1 of the Maldon District Local Development Plan and the NPPF.
- 5.7.3 In comparison to the previous application the proposed access road within the site for this current application is different. The proposed access onto the highway is for determination but the access road thereafter would form part of the layout considerations with the future reserved matters. Nevertheless, as this road layout is shown as an indicative arrangement it could be considered with this application.
- 5.7.4 The previous application showed the sole vehicular access proposed to serve the development would be located along almost the full extent of the western boundary of the curtilage of the neighbouring residential property (no.48 Queensborough Road) and would have resulted in the demolition of no.46 Queensborough Road. That previous application considered the use of the access to/from the development and would have resulted in noise and disturbance being caused to the occupiers of this dwelling to the detriment of their amenity, contrary to policy D1 of the LDP.
- 5.7.5 The current access is different as a more visible left hand bend is shown within the indicative road layout and therefore the proposed access is indicatively shown to not extend the full length of the boundary of the neighbouring residential property (no.48 Queensborough Road). However, it is recognised that this arrangement would still result in noise and disturbance being caused to the occupiers of this dwelling by traffic and users of the footway. The applicant's Noise Screening Report submitted concludes that noise levels across the site are within the 'negligible risk of adverse effect'. The assessment has considered the effect upon the existing 48 Queensborough Road from the proposed access road and its impact from road traffic noise upon external amenity areas of the occupier identifying that the predicted noise level would below the guideline level of 50dB (decibel). The applicant's Noise Screening Report therefore identifies that the occupier of 48 Queensborough Road could still enjoy their external amenity space without annoyance.
- 5.7.6 Crucially to the amenity considerations regarding noise and disturbance is the consultation response from the Council's Environmental Health Officer who has no objection to the application but is recommending a planning condition is imposed requiring an acoustic fence/barrier along the boundary of the neighbouring residential property (no.48 Queensborough Road). This would be an additional fence and would need to be erected within the site itself adjacent to this boundary and this would need

to be approximately between 2m to 2.5m high. The current boundary treatment along the boundary of the neighbouring residential property (no.48 Queensborough Road) comprises of 1.8m to 2m high close boarded timber fence with concrete posts and gravel boards. As the Council's Environmental Health Officer is recommending this planning condition and it is considered that this addresses the previous reason of refusal.

- 5.7.7 Furthermore, on noise considerations, the applicant's Noise Screening Report has considered the noise impact upon the internal living conditions of this occupier and has considered that the windows can remain closed at night to accord with the relevant standards and even with a window open there is not considered to be any harmful implications. Whilst this is recognised as a harm crucially there are no objections from the Council's Environmental Health Officer on this point.
- 5.7.8 In addition to noise and disturbance, external light pollution from passing vehicles using the access road at night would have an impact upon the neighbouring residential property (no.48 Queensborough Road) particularly the side windows in that property. This is due to the proposed indicative layout of the access road which would have vehicles using the access road ahead of leaving the site facing this neighbouring property before the access road bends towards its junction with Queensborough Road. To help this issue the screening fence required for noise mitigation purposes shall also need to be of a height to protect the windows of the neighbouring property, although this would only protect the ground floor window (secondary window to a study) and door (to a utility room) in this building. A first floor window that is a secondary window to a bedroom could still be affected by light pollution from passing vehicles at night but there is another window in the rear elevation of this property that faces over the occupier's garden. Harm would result to the occupiers to this secondary bedroom window from vehicle headlights using the access road. This shall need to be considered in the overall planning balance as to whether this harm to one secondary window to a bedroom outweighs the benefits of the scheme.
- 5.7.9 As mentioned in section 5.4 of the report the unmade access track would remain as existing but the occupiers of the builders yard to the rear and the dwelling to the rear known as Annexe, Mead House, 52 Queenborough Road, would be affected by change through the creation of a new road although this would provide them with a choice of using the new road or the existing unmade track. The occupiers of the dwelling would be affected by more activity in the area through traffic entering and leaving the site but given the setback distance of this property it is considered that their residential amenities would not be adversely affected.
- 5.7.10 With regard to all other neighbouring properties backing onto or close to the site, whilst the proposed development would be visible from a number of existing residential properties, it is considered that, subject to the details of the layout and design of the development (which would be the subject of a future reserved matters application) and the imposition of conditions, the development could be designed so as not to have a materially adverse impact on the amenity of existing local residents by reason of overlooking, dominance, loss of sunlight, loss of daylight, loss of outlook and visual impact. As a result of the nature of the uses proposed, it is not anticipated that smell or pollution would be identifiable concerns.
- 5.7.11 For the construction phase of the development a Construction Management Plan can be secured through a planning condition, and this can control hours of use, delivery hours, wheel washing, temporary hoardings and hardstandings, noise control methods, dust and quality mitigation, water management, on site waste



management, light and community liaison requirements in the event of a future complaint.

- 5.7.12 Overall, further detailed information on the exact layout of the development and its scale, appearance and built form would be considered at the reserved matters stage. The information provided at this stage for an outline application is acceptable subject to the acoustic fence planning condition and planning conditions requiring information to be provide at the reserved matters stage. Based on the information contained within this outline planning application, the proposal would not give rise to any adverse harm or impacts upon amenities of the neighbouring and nearby residential occupiers of houses close to the site having regard to policies D1 and D2 of the LDP.

## **5.8 Other Matters**

### Heritage and Archaeology

- 5.8.1 There are no heritage assets on site. The applicant's Heritage Statement identifies that the nearest heritage assets includes five grade II listed buildings to the east of the site. The closest is Spratts Farmhouse 40m east of the site. The applicant's Heritage Statement would result in a less than substantial harm at the lowermost end of the spectrum to the heritage significance to this listed building. The Conservation Officer raises no objection as the proposed development would cause a very low degree of 'less than substantial harm' to the significance of the grade II listed Spratt's Farmhouse (52 Queenborough Road). In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal. The public benefits of the proposal would be through the provision much needed housing to address the Council's identified housing need and supply position, it would provide a new housing estate for social benefits of the new occupiers along with the proposed play spaces and connections to the rural countryside and the village.
- 5.8.2 As an undeveloped field the site has potential for archaeological deposits and the applicant's Heritage Statement recommends that there is low to moderate potential for any significant archaeological activity within the site. Place Services Archaeology raise no objections subject to phased archaeological planning conditions being secured.
- 5.8.3 Subject to the mitigation for archaeology investigations being secured through a planning condition there are no objections raised to the application with regard to the impact upon heritage assets and policy D3 of the LDP.

### Air Quality

- 5.8.4 The site does not fall within an air quality management area, and there are no sources that would give rise to odour issues in the locality once the development has been built. During the construction phase there is potential for airborne pollution from dust and particulates, however, this can be mitigated through a CEMP, which is a requirement of the Council's Environmental Health Officer. This would ensure compliance with the requirements of policies D1 and D2 of the LDP.

### Ground Conditions and Contamination

- 5.8.5 With regard to ground conditions and contamination, the applicant's Preliminary Risk Assessment considers the potential for significant and widespread contaminative impact to be 'low'. No objections have been raised by the Council's Environmental Health Officer and no comments have been raised by the Environment Agency. The

Council's Environmental Health Officer requires a phase 2 contamination and remediation assessment, which can be secured through a planning condition(s).

#### Health Impact

- 5.8.6 Policy E3 of the LDP seeks to enhance the provision of community services and development proposals for improved provision of community services and facilities in a local area will be encouraged. Policy I2 of the LDP requires residential developments of 50 dwellings or more to undertake a Health Impact Assessment and where significant impacts are identified measures to meet health service requirements of the development are provided or secured by planning obligations.
- 5.8.7 As part of the Health Impact Assessment submitted, the following assessment was reached:
1. Housing Quality and Affordability – impact 'positive' or 'uncertain' pending full assessment at the detailed design stage.
  2. Access to Healthcare Services and Other Social Infrastructure – impact 'neutral' or 'uncertain' pending full assessment at the detailed design stage.
  3. Access to Open Space and Nature – impact 'positive'.
  4. Air Quality, Noise and Neighbourhood Amenity – impact 'uncertain' pending full assessment at the detailed design stage but air and noise impact once development complete expected to be 'neutral'.
  5. Accessibility and Active Travel – impact 'positive' or 'uncertain' at this stage.
  6. Crime Reduction and Community Safety – impact 'positive'.
  7. Access to Healthy Food – impact 'neutral'.
  8. Access to Work and Training – impact 'positive' or neutral'.
  9. Social Cohesion and Lifetime Neighbourhoods – impact 'positive' or 'neutral'.
  10. Minimising the Use of Resources – impact 'positive'.
  11. Climate Change – impact 'positive'.
- 5.8.8 The applicant's Health Impact Assessment concludes that the proposed development would not raise any significant adverse impacts in respect of public health and Southminster is assessed to have a positive influence on health and well-being of prospective residents and the existing town community.
- 5.8.9 The consultation response from the NHS raises no objection subject to a financial contribution of £54,000 towards local healthcare improvements which would be secured through a planning obligation in a S106 legal agreement.
- 5.8.10 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E3 and I1 of the LDP.

#### Education and Infrastructure

- 5.8.11 Policy E6 of the LDP identifies that the Council will work with partners such as ECC's Infrastructure Officer to support the provision and enhancement of training and educational facilities and opportunities in the District to meet the needs of the community, local businesses and the local economy. The policy clarification to policy I1 of the LDP recognises the need for social infrastructure including education to be provided.

- 5.8.12 ECC's Infrastructure Officer has no objection to the proposed development subject to financial contributions being secured through planning obligations to mitigate the impact of the development as explained below:
- 5.8.13 For Early Years and Childcare (EY&C) the consultation response identifies that there are two providers of early years and childcare in the area and a total of four unfilled places were recorded. It is stated that a development of this size can be expected to generate the need for up to 9.9 EY&C places and ECC will be seeking an index linked financial contribution of £197,891.
- 5.8.14 For Primary Education the consultation response identifies that the site would fall within the priority admission area of St Leonards Church of England Primary School which has a published number of 45 place per year. The consultation response states that '*the demand generated by this development would require a contribution towards the creation of 9.9 additional places*'. ECC will be seeking an index linked financial contribution of £659,637.
- 5.8.15 For Secondary Education the priority admission area secondary school for Southminster is Ormiston Rivers Academy. The consultation response states '*that The combined forecast for the area, set out in the 10 Year Plan, suggests a potential deficit in provision for some cohorts*'. The demand generated by this development would require 22 secondary school places and an index linked financial contribution of £604,492. In addition, the proximity of the site to the nearest Secondary School, is deemed as unavailable to be walked, therefore, ECC will be seeking an index linked school transport contribution toward Secondary School Transport of £130,834.
- 5.8.16 For Post-16 education ECC do not require a financial contribution but in accordance with the ECC Developers' Guide to Infrastructure Contributions (Revised 2023), an Employment and Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.
- 5.8.17 In terms of other infrastructure other than education ECC is seeking a contribution towards the expansion of the library service to meet customer needs generated by residential developments of 20 plus homes. The suggested population increase brought about by the proposed development is expected to create additional usage of a local library. Therefore, ECC will be seeking an index linked financial contribution of £8,558 to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.
- 5.8.18 ECC is also seeking monitoring fee of £700 per obligation.
- 5.8.19 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E6 and I1 of the LDP.

#### Statement of Community Involvement

- 5.8.20 As part of the Statement of Community Involvement, it is stated that the proposal was publicised through a dedicated website, leaflets were sent to around 650 households and businesses within the proximity of the site and a letter was sent to the Parish Council, local Councillors and the Member of Parliament.

### **5.9 Sustainability**

- 5.9.1 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption

in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.

- 5.9.2 For the economic objective, the proposal would create employment opportunities for the construction phase. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area.
- 5.9.3 For the social objective, the development would help create a new community at this site and would allow social integration into the existing community which is beneficial for wellbeing in creating health and safe communities. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's 5YHLS.
- 5.9.4 For the environmental objective, the proposed development would allow for the opportunity for the delivery of a high-quality designed housing development, ecology and biodiversity gain, on site surface water management measures to reduce flood risk on and off the site. As identified above the site is located in a sustainable location close to the centre of Southminster for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.
- 5.9.5 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

## **5.10 Planning Obligations**

- 5.10.1 Policy S1 of the LDP states that the Council will apply the following key principles in policy and decision making including at point 11) of the policy to *'identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources'*.
- 5.10.2 Policy I1 of the LDP identifies that *'the Council will work with relevant partners and infrastructure providers to maintain and improve infrastructure provision in the District through delivering the infrastructure associated with development proposals in policies in this Plan'*. The policy also states that *'developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts'*.
- 5.10.3 Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the CIL Regulations) is stated in paragraph 58 of the NPPF, which states that 'planning obligations must only be sought where they meet all of the following tests:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.'
- 5.10.4 The previous application was subject to the following reason based on inadequate information to mitigate the impact of the previous development and therefore not secured through a S106 legal agreement.
  - 1 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the following necessary

planning obligations: A 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, A financial contribution towards the provision of education, Management/maintenance of the public open space and Affordable housing provision. The development would have an adverse impact on those European designated nature conservation sites, would not adequately provide for the educational needs of the future residents of the site, would not ensure that the public open space proposed was appropriate managed and maintained and would not meet the affordable housing needs of the District. The development is, therefore, contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, I1 and I2 of the approved Maldon District Local Development Plan and the NPPF.

5.10.5 The application is accompanied by a draft list of Heads of Terms for a S106 Agreement as follows:

- 30% affordable housing with a tenure split to be agreed
- Provision of open space and equipped play area along with long-term maintenance and management, including off-site commuted sums as applicable
- Off-site sports provision, if necessary
- Improvements to the public highway and sustainable and public transport provision within the vicinity of the site, as necessary

5.10.6 Reference is also made to the applicant being willing to make a financial contribution in relation to the RAMS.

5.10.7 From the consultation responses the following planning obligations have been identified:

#### Affordable Housing

Policy H1 requires 30% affordable housing being secured for 30% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.

#### Education

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £197,891
- Primary Education - £659,637
- Secondary Education - £604,492
- School Transport - £130,834
- Libraries - £8,558
- Monitoring fee - £700 per obligation

#### Highways

A financial contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

### NHS Contribution

A financial contribution of £54,000 towards local healthcare improvements.

### Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £18,639.50.

- 5.10.8 The applicant's agreement to the S106 legal agreement would secure the necessary mitigation and would address the reason of refusal.

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

- 6.1 Relevant planning history within the red outline and within close proximity.

- **23/00459/OUTM** - Outline planning application (with all matters of detail reserved for future determination except for means of access) for the demolition of number 46 Queenborough Road and the erection of up to 110 dwellings (including affordable housing), with public open space, structural planting, landscaping, sustainable drainage system (SuDS) and vehicular access point. Refused 26.07.2023 for the following reasons:
  - 1 The development, as a result of its location, nature and extent, would cause harm to the character and appearance of this rural site and its surroundings, contrary to Policies S1, S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.
  - 2 It has not been demonstrated that the impact of the development on the local highway network is acceptable in terms of highway safety, contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.
  - 3 The development would potentially result in the loss of Grade 3a, Best and Most Versatile agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF.
  - 4 Use of the vehicular access proposed to serve the development would result in noise and disturbance being caused to the occupiers of the neighbouring residential dwelling (no.48 Queensborough Road) to the detriment of their amenity, contrary to Policy D1 of the Maldon District Local Development Plan and the NPPF.
  - 5 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the following necessary planning obligations: A 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, A financial contribution towards the provision of education, Management/maintenance of the public open space and Affordable housing provision. The development would have an adverse impact on those European designated nature conservation sites, would not adequately provide for the educational needs of the future residents of the site, would not ensure that the public open space proposed was appropriate managed and maintained and would not meet the affordable housing needs of the District. The development is, therefore, contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, I1 and I2 of the approved Maldon District Local Development Plan and the NPPF.

## 7. **CONSULTATION AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Object and recommend refusal as the parish Council does not support the application on the basis of the harm caused to character and appearance of the area. The loss of amenity to neighbouring properties. The negative impact on the Southminster Medical Centre and Primary School and the negative impact on the highways network contrary to Policies S1, S2, S8 and D1 of the Local Plan and the NPPF.	The Main Considerations section of this report provides information in regard to all these points
Althorne Parish Council (neighbouring Parish)	Recommend refusal because of: <ul style="list-style-type: none"><li>• Inadequate highways access</li><li>• Concerns regarding road safety</li><li>• Lack of speed calming on Buttons Hill and junction of Summerhill</li></ul>	The Main Considerations section of this report provides information in regard to all these points. There is no requirements from the Local Highway Authority for the highway requests of the Parish Council so these are no identified by the Local Highway Authority as requirements to mitigate the development

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Anglian Water Services	No objection subject to a condition to secure strategic foul water strategy	A planning condition can be secured as required.
ECC Education and Infrastructure Officer	No objections subject to a financial contributions as follows: <ul style="list-style-type: none"><li>• £197,891 towards early years and childcare provision</li><li>• £659,637 towards primary school provision</li><li>• £604,492 towards secondary school provision</li><li>• £130,834 towards school transport</li><li>• £8,558 towards libraries</li><li>• And a monitoring fee of £700 per obligations. An Employment and Skills Plan should be prepared by the developer for the</li></ul>	Planning obligations in the form of a S106 legal agreement can be secured as required.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	development phase to increase construction employability levels and workforce numbers.	
ECC Highways	<p>No objection subject to conditions requiring a Construction Management Plan; the site access to be provided with the visibility splays on drawing no. 1727/10; requirements for dropped kerb crossing and a 2m footway either side of the access road and a dropped kerb crossing together with tactile paving on Queensborough Road; improvements and dropped kerb at the junction of Queensborough Road with High Street; dropped kerbs and tactile paving at a number of junctions; an Order for securing the diversion of public footpath 1; provision of Residential Travel Information Pack.</p> <p>Planning obligations are necessary for a</p> <ul style="list-style-type: none"> <li>• contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon, and for an updated travel plan with an annual monitoring fee of £1,817 per year from year 1 until final occupation.</li> </ul>	<p>Planning conditions can be secured as required.</p> <p>Planning obligations in the form of a S106 legal agreement can be secured as required.</p>
ECC SuDS Team	No objection subject to conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding and details of maintenance arrangements	Planning conditions can be secured as required.
Environment Agency	No comment to make as this falls outside their consultation criteria	No comment.
Essex Police Designing Out Crime	Advice provided seeking to ensure the development meets Essex Design Guide requirements, secured by design requirements, traffic management considerations, zero emission fleet and infrastructure strategy	Comments noted.



<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Natural England	No objection subject to securing appropriate mitigation as the site falls within the Zol for one or more European designated site on the Essex coast. The development will require an Appropriate Assessment to be undertaken by the competent authority.	Planning conditions can be secured as required for ecological mitigation.  Planning obligations in the form of a S106 legal agreement can be secured as required for Essex RAMS.
NHS Property Services	No objection subject to a financial contribution of £54,000 being secured through a planning obligation to local healthcare capacity improvements	Planning obligations in the form of a S106 legal agreement can be secured as required.
Place Services Archaeology	No objection to subject to a phased archaeological condition being secured	A planning condition can be secured as required
Place Services Ecology	No objection subject to conditions requiring the actions of the Ecological Impact Assessment to be implemented, a CEMP for biodiversity, a Biodiversity Enhancement Strategy, details of wildlife sensitive lighting, Landscape and Ecological Management Plan. One optional condition, one for a Habitat Management and Monitoring Plan (HMMP), otherwise the standard BNG condition or be included as an informative.	Planning conditions can be secured as required for ecological mitigation.  Planning obligations in the form of a section 106 legal agreement can be secured as required for Essex RAMS.
Place Services Tree Consultant	No objection subject to a condition requiring the retention and protection of existing trees.	A planning condition can be secured as required.
Sport England	No comments to make	No comment.

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No objection as the proposed development would cause a very low degree of 'less than substantial harm' to the significance of the grade II listed Spratt's Farmhouse (52 Queenborough Road). In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal.	No comment.
Environmental Health	No objection to conditions requiring a phase 2 contamination and remediation assessment, a CEMP,	Planning conditions can be secured as required.

Name of Internal Consultee	Comment	Officer Response
	and a condition requiring an acoustic fence/barrier along the boundary	
Housing	No objection subject to securing affordable housing in accordance with the housing needs of the District. That is for 30% of the development to be for affordable housing provision split as 75% affordable rent and 25% intermediate affordable housing	Planning obligations in the form of a S106 legal agreement can be secured as required for affordable housing.
Place Officer	<p>No objection as the principle of development is established via the LDP Review, Call for Sites consultation.</p> <p>It is noted that a design approach for RMs is set out in the submitted D&amp;A Statement (National Design Guide principles) and MDDG SPD for local character, appropriate scale, materials and detailing (including Essex Design Guide for Road Type Table, garden sizes, back to back distances).</p> <p>Subject to the density established at 35 dwellings per hectare and building heights not exceeding 2 storey no objections are raised at this Outline Stage.</p>	Planning conditions can be secured as required.

#### 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 **342** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Harm to the character and appearance of this rural site and its surroundings contrary to policies S1, S8 and D1 and the NPPF	Comment noted, please see sections 3.1 and 5.1 of the report.
Loss of Grade 3a, 'Best and Most Versatile' agricultural land, contrary to Policy D2 of the approved Maldon District Local Development Plan and the NPPF	Comment noted, please see sections 3.1 and 5.1 of the report.
Southminster Primary school is at capacity with no scope to expand	Comment noted but the Education Authority do not object and have require a financial contribution to mitigate the impact of the development upon the primary school. Please see section 5.8 of the report.
In school year 2021/22 Orminston River Academy was over capacity by 76 places	Comment noted but the Education Authority do not object and have require a financial contribution to mitigate the impact of the development upon the

Objection Comment	Officer Response
	secondary school and secondary school transport. Please see section 5.8 of the report.
William Fisher Medical Centre is already below the recognised standards of provision for the existing population, causing patients to suffer exponentially long waiting times for appointments	Comment noted but the NHS do not object and require a financial contribution to mitigate the impact of the development upon local healthcare services. Please see section 5.8 of the report.
At specific times of the day such as 'school runs', the rush hours and the arrival and departure of commuter trains at Southminster Station, the road network in the centre of the village including North Street and Queenborough Road, are often impassable to large vehicles due to parked cars on either side of the road	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The volume of traffic during these peak times creates an unacceptable level of vehicular air pollution	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Highways refused the prior application, but have now waived that and asked for a £310,000 contribution	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The proposed vehicular access to the development and vehicular movements within the development, would result in noise and disturbance including light pollution being caused to the occupiers of the neighbouring residential dwellings, particularly in households in Queenborough road	Comment noted but please see sections 3.1 and 5.7 of the report.
In consideration of other issues and the information provided by the applicant, the development is considered to be contrary to Policies S1,H1, N1, N2, D1, D2, T1, T2, 11 and 12 of the approved Maldon District Local Development Plan and the NPPF	Comment noted but please see section 5 of the report.
The development will destroy wildlife habitat	The proposal would result in BNG and no objections have been raised by Place Services Ecology nor Natural England subject to conditions and a planning obligation for Essex RAMS.
The development will destroy the country footpaths	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The only local dentists are in Burnham-on-Crouch and they have waiting lists of over 12 months	Comment noted.
Developers encourage new residents to cycle but it is becoming too dangerous with the increased amount of traffic on our narrow roads that are full of potholes	Comment noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
The noise of construction to nearby residents	A planning condition can secure a Construction Management Plan for the construction phase of the development.
Queenborough Road is totally unsuitable for	Comment noted but the Local Highway

<b>Objection Comment</b>	<b>Officer Response</b>
another 200+ cars. It is a narrow road with cars of local residents parked on both sides and the exit onto the High Street is dangerous at the best of times.	Authority do not object to the application and please see section 5.4 of the report.
There are very few facilities in Southminster	Southminster is recognised as a 'larger village' in policy S8 and has services and transport links.
Southminster simply cannot cope with this level of development	Comment noted.
The drainage system in the fields on that side of Southminster are also dated and under pressure and cannot cope with the existing run off, let alone the waste from another 110 houses.	A surface water drainage system would be installed as part of the development to manage on site surface water.
Southminster has NO local emergency services.	Comment noted.
Southminster is already listed as one of the poorest deprived areas in Essex, and this will just make it worse.	Comment noted.
Lack of public support.	Comment noted.
Traffic Assessment is out of date and since access plans have changed it is not valid for the new design.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Stopping distances are not sufficient under wet conditions.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Access road to be in 2.1m of the boundary of 48 Queensborough Road.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Access would be 1.2m from driveway of 48 Queensborough Road.	Comments noted but the Local Highway Authority do not object to the application and please see section 5.4 of the report.
Light pollution from vehicles shining into 48 Queensborough Road.	Please see section 5.7 of the report which has assessed this.
Noise level will be too high exasperated when windows are open at 48 Queensborough Road.	Please see section 5.7 of the report which has assessed this.
Air pollution into 48 Queensborough Road.	Please see section 5.8 of the report which has assessed this.
Removal of trees.	Please see section 5.3 of the report which has assessed this. There are no objections from the Place Services Tree Consultant on tree removal.
Potential for damage to frontage wall at 48 Queensborough Road.	Any damage to a neighbours wall during the construction process would be a civil matter between the landowners to resolve.

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

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT:**

Affordable Housing

Policy H1 requires 30% affordable housing being secured for 30% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.

Education

Financial contributions being secured through planning obligations as follows:

- Early Years and Childcare - £197,891
- Primary Education - £659,637
- Secondary Education - £604,492
- School Transport - £130,834
- Libraries - £8,558
- Monitoring fee - £700 per obligation

Highways

A financial contribution of £310,000 to ECC towards improving public transport links between the site and other destinations in the area including Burnham-on-Crouch and Maldon.

Provision of an updated travel plan and an annual monitoring fee of £1,817 per year from year one until final occupation.

NHS Contribution

A financial contribution of £54,000 towards local healthcare improvements.

Essex RAMs

A financial contribution based on the current tariff of £169.45 (2025-2026 figure) which would be £18,639.50.

**PROPOSED CONDITIONS:**

**Submission of Outstanding Reserved Matters**

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

**Time Limit for the Submission of the Outstanding 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(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Time Limit for the Commencement of the Outline Planning Permission**

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(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

4. The reserved matters shall be submitted in accordance with the details set out in the following approved plans:

- 11096-L-01 P04 - Location Plan
- 1727/10 Rev B – Proposed Access Arrangements
- 1727/11 – Proposed Wall Pillar

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

### **Plan to Influence the Reserved Matters**

5. The details submitted pursuant to Condition 1 (the reserved matters) shall be broadly in accordance with the Development Framework Plan (drawing ref: 11096-L-02 Rev P19).

REASON: To ensure that the development is carried out in broad accordance with the Development Framework Plan.

### **Housing Mix**

6. The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application(s) and shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment 2025 or any subsequent updated Local Housing Needs Assessment.

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

### **Maximum Height for the Development**

7. The development shall be a maximum of two storeys in height.

REASON: In the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Levels**

8. No development shall commence until details of finished site levels and finished external surface levels, and the finished floor level of the building(s) hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

**REASON:** In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Materials**

9. The reserved matters for the approval of layout shall include details of the proposed materials to be used in the development.

No development shall commence until written details or 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:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Boundary Treatment**

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

No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed for each dwelling prior to the first occupation of that dwelling and shall be retained and maintained as such thereafter.

**REASON:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Landscaping**

11. The reserved matters for landscaping 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 with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

**REASON:** To 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 adopted Maldon District Local Development Plan.

### **Tree and Hedge Retention**

12. The trees and hedges identified for retention on the approved plan drawing number(s) 11096-T-02 Rev F from the Arboricultural Impact Assessment shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Highways Construction Management Plan**

13. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
- a) vehicle routing
  - b) the parking of vehicles of site operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials used in constructing the development
  - e) wheel and underbody washing facilities

The construction period of the development shall be carried out throughout its duration in accordance with the Construction Management Plan.

**REASON:** To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

### **Visibility Splays**

14. Prior to the first occupation of the development, the site access on Queenborough Road shall be constructed and provided in accordance with visibility splays as shown in Ashley Helme Associates' Drawing no 1727/10 Rev B and these visibility splays shall be maintained clear and free from obstruction at all times thereafter.

**REASON:** To provide adequate inter-visibility between vehicles using the site access and those in the existing public highway, in the interest of highway



safety and in accordance with policy T2 of the adopted Maldon District Local Development Plan.

### **Site Access**

15. Prior to the first occupation of the development and as shown in principle in Ashley Helme Associates' Drawing no 1727/10 Rev B, the site access and the area around it shall be constructed and provided in accordance with the following:

- Dropped kerb crossing together with tactile paving at the bellmouth of the proposed new junction;
- A 2 metre footway on either side of the proposed access road;
- Dropped kerb crossing together with tactile paving on Queenborough Road at a point approximately 70m south of the proposed access junction.

The site access shall be carried out in accordance with these details and once constructed the above requirements shall be maintained and retained at all times thereafter.

REASON: To provide safe access for both pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Pedestrian Crossing Point**

16. Prior to the first occupation of the development, the kerbing at the junction of Queenborough Road with High Street shall be improved and include a dropped kerb and tactile paving crossing as shown in principle in Drawing 1727/08 Rev B of the Transport Assessment. The kerbing at the junction of Queenborough Road with High Street shall be carried out in accordance with these details as approved and once constructed they shall be maintained and retained at all times thereafter.

REASON: To improve inter-visibility between vehicles on High Street and Queenborough Road, in the interests of the safety of pedestrians and the mobility-impaired, and in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Off Site Pedestrian Crossing Points**

17. Prior to the first occupation of the development, pedestrian dropped kerbs and tactile paving shall be provided with the precise locations and details of these shall be submitted to and approved in writing by the local planning authority for the following locations:

- The bellmouth of Coombe Road at its junction with Queenborough Road;
- The bellmouth of Regents Close at its junction with Queenborough Road;
- The bellmouth of Pump Mead Close at its junction with Queenborough Road; and
- The bellmouth of North Street at its junction North End.

The pedestrian dropped kerbs and tactile paving shall be carried out in accordance with these details as approved and once constructed they shall be maintained and retained at all times thereafter.

REASON: To provide safe access for both pedestrians and the mobility impaired in the interest of accessibility in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Footpath Provision**

18. The reserved matters for the approval of layout shall include a scheme of works to provide a footpath at or near the southern boundary of the site as shown indicatively on the Development Framework Plan drawing no. 11096-L-02 Rev P19. The details shall include appropriate surfacing, construction and confirmed alignment. The approved footpath shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

REASON: In the interests of pedestrian accessibility and in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Alternative Access Route to the Builders Yard**

19. The reserved matters for the approval of layout shall include details of an alternative access route to the builder's yard from the internal site access road shall be submitted to and approved in writing by the local planning authority. This shall include an agreed method to prevent vehicles from using the existing private access track. The alternative access route shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

REASON: To reduce the potential for conflicting movements between users of the builder's yard and the new development at the junction with Queenborough Road, in the interests of safety and in accordance with policy T2 of the adopted Maldon District Local Development Plan.

### **Updated Travel Plan**

20. Prior to the first occupation of the development, the Developer shall submit in writing an updated residential travel plan to the local planning authority for approval in consultation with Essex County Council. The approved travel plan shall be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. Monitoring of the travel plan shall be undertaken in accordance with the details of the planning obligation which requires a monitoring fee to be provided.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

### **Residential Travel Information Pack**

21. Prior to the first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling upon occupation of the dwelling with details to be submitted and approved in writing by the local planning authority in consultation with Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator). The Residential Travel Information Pack shall be made available for use following the written approval of the local planning authority

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

## **Parking**

22. The reserved matters for the approval of layout shall include land reserved for the parking and / or garaging of private cars/motor vehicles/electric vehicles and charging points.

Prior to the first occupation of the development the parking areas and any electric vehicle charging points shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the adopted Maldon District Local Development Plan.

## **Cycle Parking**

23. The reserved matters for the approval of layout, appearance and scale shall include details of bicycle and powered two wheel storage facilities for each dwelling.

The bicycle and powered two wheel storage facilities shall be constructed and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies D2 and T2 of the adopted Maldon District Local Development Plan.

## **Amenity Space Provision**

24. The reserved matters for the approval of layout and landscaping shall private amenity space for each dwelling in accordance with the requirements of the Maldon District Design Guide SPD.

REASON: To ensure the occupiers of each dwelling has access to an appropriate area of private amenity space in accordance with policy D1 of the adopted Maldon District Local Development Plan and the Maldon District Design Guide SPD.

## **Public Open Space Provision**

25. The reserved matters for the approval of layout and landscaping shall include public open space in broad accordance with the land identified for such purposes on the Development Framework Plan drawing no. 11096-L-02 Rev P19.

REASON: To ensure the occupiers of the site have appropriate access to public open space in accordance with policy D1 of the adopted Maldon District Local Development Plan and the Maldon District Design Guide SPD.

## **Management of Open Space**

26. Prior to the first occupation of the development, details of the future management, maintenance schedules and funding provision of the public open space and associated landscaping (this could include surface water management provision) shall be submitted to and approved in writing by the local planning authority. The site shall then be managed, maintained and funded in accordance with these details at all times thereafter.

REASON: To ensure the site is managed and maintained for the benefit of the users of the site and its implications on the surrounding area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

## Surface Water Drainage Scheme

27. No development except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - b) Limiting discharge rates to 9.2l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party/all relevant permissions to discharge from the site into any outfall should be demonstrated.
  - c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
  - d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
  - e) Final modelling and calculations for all areas of the drainage system.
  - f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Permeable paving must be provided within the shared roads and driveways.
  - g) Detailed engineering drawings of each component of the drainage scheme.
  - h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - i) An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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

### REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Scheme to Minimise Off Site Flooding**

28. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.  
REASON: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Maintenance Plan for Surface Water Drainage Scheme**

29. Prior to the first occupation of the development 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, shall be submitted to and approved in writing by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.  
REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Foul Drainage Strategy**

30. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local planning authority, in consultation with Anglian Water. This strategy should identify the connection point to the 225mm sewer at MH7003 located in Queenborough Road at National Grid reference (NGR) TL 95744 00023 . Prior to the first occupation of the development, the foul water drainage works shall have been carried out in complete accordance with the approved scheme.  
REASON: To reduce the impacts of flooding and potential pollution risk in accordance with policy D5 of the adopted Maldon District Local Development Plan.

### **Ecological Mitigation**

31. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (FPCR Ltd, February 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall 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 protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

## **Biodiversity Construction Environmental Management Plan**

32. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

## **Biodiversity Enhancement Strategy**

33. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (FPCR Ltd, February 2025), 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 of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF (2024) and s40 of the NERC Act 2006 (as amended), and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

## **Lighting Strategy**

34. Prior to the first occupation of the development, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

## **Landscape and Ecological Management Plan**

35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan

will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

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

### **Acoustic Fence**

36. The reserved matters for the approval of layout shall include details of an acoustic fence that shall be located within the site but adjacent to the existing boundary of 48 Queensborough Road, and shall include details its acoustic performance to mitigate noise arising from the development, and in particular traffic using the access road.

Prior to the first occupation of the development, the acoustic fence as approved through the reserved matters shall be installed and shall then be maintained and retained in its approved location at all times thereafter.

**REASON:** To ensure the amenities of the occupiers of 48 Queensborough Road are not subject to excessive noise and disturbance from activity and passing traffic using the access road in accordance with policy D1 of the adopted Maldon District Local Development Plan.

### **Archaeology**

37. No development or preliminary groundworks of any kind shall take place until:

- Part 1 - A programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Part 2 - The completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and has been confirmed in writing by the local planning authority's archaeological advisors.
- Part 3 - A mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation.
- Part 4 - The satisfactory completion of fieldwork, as detailed in the mitigation strategy in Part 3 has been submitted to and approved in writing by the local planning authority.
- Part 5 - The applicant has submitted a post excavation assessment which has been submitted to and approved in writing by the local planning authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork.
- Part 6 – Suitable provision has been for the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**REASON:** To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with policy D3 of the adopted Maldon District Local Development Plan.



## **Phase 2 Contamination and Risk Assessment**

38. No development shall commence until a phase 2 intrusive site investigation and risk assessment has been carried out and the findings submitted to and approved in writing with the local planning authority. The report of the findings must include:

1. A survey of the extent, scale and nature of contamination;
2. An assessment of the potential risks to:
  - a) Human health
  - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land
  - d) Groundwaters and surface waters
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments

An appraisal of the remediation options shall include timescales and phasing of remediation works. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

## **Energy Efficiency and Renewable Energy**

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

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

REASON: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

## **Refuse and Recycling**

40. The reserved matters for the approval of layout and appearance shall include full details of the number, size, location, design and materials of bin and recycling stores to serve the development, together with details of the means of access to bin and recycling stores for residents and refuse operatives, including collection points if necessary.

The bin and recycling stores as approved shall be provided prior to the first occupation of each dwelling and shall be constructed and permanently retained at all times thereafter.

**REASON:** In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies D1 and D2 of the adopted Maldon District Local Development Plan.

### **Superfast Broadband Strategy**

41. No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

**REASON:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 119 of the NPPF.

### **Construction Environmental Management Plan**

42. No demolition or construction works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (d) Details of any temporary hardstandings;
  - (e) Details of temporary hoarding;
  - (f) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
  - (g) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
  - (h) Measures to reduce dust with air quality mitigation and monitoring,
  - (i) Measures for water management including waste water and surface water discharge;
  - (j) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
  - (k) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
  - (l) A Site Waste Management Plan,
  - (m) Details of security lighting layout and design; and
  - (n) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

Works on site shall only take place in accordance with the approved CEMP.  
REASON: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy D1 and D2 of the adopted Maldon District Local Development Plan.

## **INFORMATIVE**

### **Biodiversity Net Gain**

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

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

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

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

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

## **APPLICATION PLANS / DOCUMENTS:**

The application is accompanied by a number of supporting documents:

- Location Plan 11096-L-01 P4
- Development Framework Plan 11096-L-02 P14
- Proposed Access Arrangements 1727/10 Rev B
- Proposed Wall Pillar 1727/11
- Planning Statement
- Agricultural Land Report Air Quality Assessment
- Arboricultural Impact Assessment
- BNG Metric
- Biodiversity Validation Checklist
- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Health Impact Assessment
- Heritage Statement
- Landscape and Visual Appraisal

- Noise Screening Letter
- Preliminary Risk Assessment
- Socio-Economic Benefits Statement
- Statement of Community Involvement
- Transport Assessment and Designers Response Report
- Travel Plan