



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
14 JANUARY 2026**

Application Number	25/00706/OUTM
Location	Land East of Birch Road Tillingham
Proposal	Outline planning application for residential development of up to 36 dwellings (Use Class C3) with new vehicular and pedestrian access and associated open space, parking and landscaping with all matters reserved except access
Applicant	c/o WSP
Agent	Mr Joshua Webb - WSP
Target Decision Date	21.01.2026 (Extension of Time - EOT - Agreed)
Case Officer	Chris Purvis
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Councillor M G Neall has 'called in' the application due to concerns of this development being outside of the settlement boundary (policy S8) and would creep into the countryside; concerns with regards to layout and density, house types are not in line with others (policy D1); concern over housing mix and affordable housing levels (policy H1) and the location of affordable housing in area of the development (policy H2) Major Development Departure

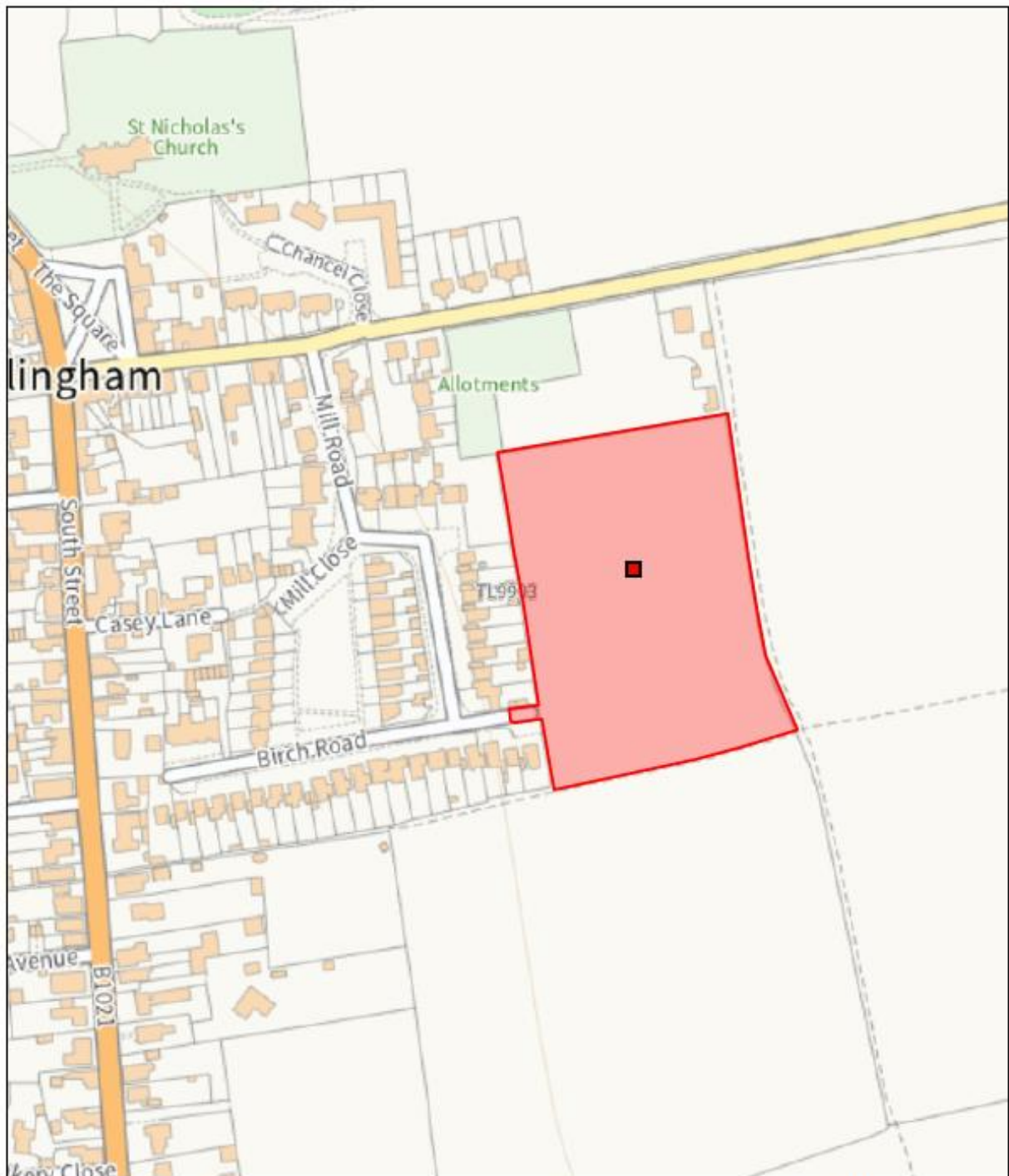
1. RECOMMENDATION

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

2. SITE MAP

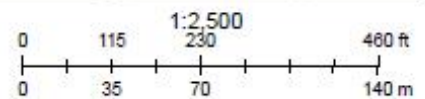
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25/00706/OUTM



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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 site is located on the eastern side of Birch Road and Mill Road and to the south of the allotments and Marsh Road. The site is located outside of the defined settlement boundary of Tillingham. The site measures 1.78 hectares and is a flat rectangular field forming part of the open countryside. The site is accessed off Birch Road. Its north, south and east boundaries are demarcated by hedgerows and trees, whilst to the west it abuts the rear boundaries of residential properties that are within the settlement boundary. Public footpaths run along the eastern and southern boundaries of the site.
- 3.1.2 To the east and south of the application site is undeveloped agricultural land, to the north the site borders stables and pastures, to the northwest there are allotments and to the west the site abuts the settlement boundary of Tillingham. Immediately adjacent to the west of the site is a housing estate. The prevailing character of the estate is one of detached dwellings of typical 1960s-1970s design and appearance.

Description of the Proposal

- 3.1.3 Outline planning permission is sought for residential development of up to 36 dwellings (Use Class C3) including up to nine affordable housing units with a new vehicular and pedestrian access and associated open space, parking and landscaping with all matters reserved except access which is for determination.
- 3.1.4 The reserved matters for determination through a separate application process would consider layout, scale, appearance and landscaping although indicative information is provided within the application to show how the site could be developed.
- 3.1.5 The application is supported by a Development Parameter Plan, an Illustrative Masterplan showing how the site could be developed and various supporting plans, studies and reports.

Access and Movement

- 3.1.6 The application seeks approval for 'access' and includes a detailed plan relating to one vehicle access into the site from Birch Road at the end of what is currently a cul-de-sac section of the road at its eastern end. The access road would then lead into the site and would have a 5.5m wide carriageway with 2m wide footways on each side of the road into the site.

Indicative Housing Mix

- 3.1.7 The applicant's Planning Statement provides a breakdown of houses as follows:
- 5 x one-bedroom units (three affordable units)
 - 10 x two-bedroom units including four bungalows (two of which are affordable)
 - 17 x three-bedroom units including three bungalows (four of which are affordable)
 - 4 x four-bedroom units

- 3.1.8 The proposed development would provide 25% on site affordable housing which equates to nine dwellings. Seven of the units are provided as affordable rent and two as Shared Ownership.

3.2 Conclusion and Planning Balance

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

Benefits

- **Sustainable Development** – The site is in a sustainable location in close proximity to the centre of Tillingham which is a village that includes services, facilities and access to sustainable transport networks including bus services. Significant weight.
- **Housing Land Supply Position** – The Council cannot demonstrate a Five-Year Housing Land Supply (5YHLS) to meet the requirements of the National Planning Policy Framework (NPPF). The 'tilted' balance is therefore applied as policy S2 is currently out of date and not in accordance with the requirements of the NPPF. Substantial Weight.
- **Affordable Housing** – The proposal would provide a policy compliant level of affordable housing (25% 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 21.81% biodiversity gain in habitat units and a 60.02% gain in hedgerow units. Moderate Weight.

Harm

- **Loss of Agricultural Land** – Grade 2 'very good' 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 Tillingham 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 some harm to the landscape and harm in terms of the impact upon visual amenity. This consideration is given Moderate Weight.
- **Residential Impact** – The proposed development would lead to additional noise/disturbance and activity in this location through traffic using the immediate road network in Mill Road and Birch Road. This would impact upon the immediate neighbouring properties in the area however this would be considered as limited harm and therefore is given Limited Weight.

- 3.2.2 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
- 96-108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-127 Making effective use of land
- 129-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding, and coastal change
- 187-201 Conserving and enhancing the natural environment
- 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
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist Needs'
- 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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Green Infrastructure Study
- Affordable Housing and Viability SPD (2019)
- Rural Facilities Survey and Settlement Pattern (2023)
- Local Housing Needs Assessment (LHNA) (2025) and the Council's Technical Advice Note
- Housing Economic Land Availability Assessment (2023)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

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 Tillingham. 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, Tillingham is defined as a 'smaller 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 as policy S8 protects the countryside for its landscape value and none of the policy exceptions as listed in the policy would apply to a residential development.
- 5.1.5 The planning history shows that there have been two recent planning applications at this site. The first of the two application was a full planning application for a residential development of 44 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping (ref. 22/00371/FULM). The second of the application, and most recent one, sought full planning application for a residential development of 40 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping (ref. 23/00363/FULM). Both

applications were refused planning permission on 30 September 2022 for ref. 22/00371/FULM and on 22 August 2023 for ref. 23/00363/FULM.

- 5.1.6 The most recent application for this site (23/00363/FULM) was refused planning permission for multiple reasons of refusal and those reasons are assessed in regard to this current application. The first reason of refusal is stated below:

- 1 The application site lies within a rural location outside of the defined settlement boundary of Tillingham, which is defined within the LDP as a smaller village providing few services and facilities and limited employment opportunities. If developed, the site, by reason of its location, would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership and limited access to services, facilities and employment opportunities. Furthermore, the village and its limited services and facilities would be unable to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits arising from this residential scheme. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D1, T1, T2, H4 of the LDP and the guidance contained within the NPPF.

- 5.1.7 In considering the current application the above reason of refusal needs to be considered as to whether it has been addressed or not and whether there has been any policy changes.

The Policy Position and the Five-Year Housing Land Supply Position

- 5.1.8 As stated in the previous reason of refusal (above) both policies of S1 and S8 are applicable to this application. Also relevant is policy S2 (Strategic Growth) which 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 such as that for Tillingham and therefore this site would be considered as a windfall site for the purposes of policy S2.
- 5.1.9 The Council's strategic housing policy S2 cannot be considered to be an up to date at this current time as the Council cannot demonstrate a 5YHLS and because the methodology of assessing the housing needs of the District has changed, as set out in the NPPF (updated in December 2024). This means that the Maldon District needs to accommodate more housing than the requirements set out in policy S2, which was 276 housing units per annum, but this has since risen to 575 housing units per annum. Given this position the development proposals shall need to be considered on the basis of whether they are sustainable or not, with regard to the NPPF and policy S1.
- 5.1.10 As a result of the aforementioned, the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is relevant. Given the Council's current position in regard to the 5YHLS the titled balance as set out in paragraph 11d(ii) of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land,*

securing well-designed places and providing affordable homes, individually or in combination’.

- 5.1.11 At an extraordinary meeting of the Council on 17 June 2025 Members considered the Maldon District Council 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.

- 5.1.12 As stated above Tillingham is considered as a location for strategic growth.

Sustainability

- 5.1.13 Given the decision at the extraordinary meeting of the Council on 17 June 2025 with the inclusion of Tillingham as a strategic growth location, it is considered that Tillingham is a sustainable location to accommodate growth. However, consideration needs to be given to the NPPF’s sustainability considerations and policy S1 in light of the tilted balance in favour of sustainable development.

- 5.1.14 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 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.

- 5.1.15 As stated in policy S8, Tillingham is defined as a ‘smaller village’ in the settlement hierarchy table, however, a more recent studies through the Local Plan Review 2022 Issues and Options Document and the ‘Maldon District Rural Facilities Survey and Settlement Pattern’ May 2023, now identify Tillingham as a ‘larger village’ based on the services and facilities the village provides along with its 15 minute access from a railway station (at Southminster).

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

- 5.1.17 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”*.

- 5.1.18 In terms of accessibility, the village of Tillingham includes a range of facilities and services including a village hall, shop, post office, primary school, medical centre, church, two public houses, care home, allotments, recreation ground and facilities, and sports clubs.

- 5.1.19 In addition, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. The site is within walking distance of the services and facilities of the settlement. The village is served by two bus stops

(nearest is 400m away) providing routes (3, 45, FC05) to Burnham-on-Crouch, South Woodham Ferrers and Southminster which all have train stations that provide services to other parts of Essex and into London. It is noted that the services are infrequent with limited services on Saturdays and no services on Sundays.

- 5.1.20 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.21 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.
- 5.1.22 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. 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.
- 5.1.23 For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's 5YHLS.
- 5.1.24 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 the site is in a sustainable location close to the centre of Tillingham for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.

Call for Sites

- 5.1.25 The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021 and in the Housing Economic Land Availability Assessment (HELAA) under the reference TILL2. The outcome of this process found that the site was identified as 'suitable' for development.
- 5.1.26 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

- 5.1.27 To the southern end of the village on the east side of the street is the site known as 'Land South of 97 South Street'. This site was subject to planning application reference 23/01212/FULM and was for 11 dwellings with the formation of a new vehicle access and pedestrian access, associated open space, parking and landscaping. The application was refused planning permission by the Council for reason of the development being outside of the defined settlement boundary, encroachment into the countryside and in the absence of a completed Section 106 (S106) legal agreement to secure affordable housing, open space, and ecology mitigation. The application was subject to a planning appeal and was allowed in April 2025. In assessing the appeal, the Inspector had regard to the stated policy position that *'the proposal would not be in a suitable location having regard to its position within the countryside outside of a designated settlement boundary in conflict with Policies S1 and S8 of the LDP'*. However, the Inspector took the view that the evidence of the number services in Tillingham, bus stops including one stopping at

Southminster station, the effects of travel from 11 dwellings and the absence of 5YHLS (which had changed from when the application was considered to the time of the appeal being considered) were factors in favour of the development. The Inspector found harm to the character and appearance of the area. This would result in conflict with policies S1, S2, S8 and D1 of the LDP and would be contrary to the Framework insofar as it seeks development that recognises the intrinsic character and beauty of the countryside, but that harm was assessed to be modest and noted that the development would assimilate well into its surroundings over time. In allowing the appeal, the Inspector stated that *'I find that the proposal would conflict with the development plan when it is read as a whole. Nevertheless the modest adverse impacts of the development would not in my judgement come close to significantly and demonstrably outweighing the cumulative benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out in paragraph 11 d) of the Framework therefore indicates that permission should be granted and I find that material considerations would outweigh the conflict with the development plan'*.

- 5.1.28 The above is the most recent appeal decision for housing developments on the edge of Tillingham but there have been other planning permissions in Tillingham that are also helpful.
- 5.1.29 On 7 July 2023 a planning appeal was allowed for seven dwellings at the southern end of Tillingham outside of the settlement boundary for the village (reference 22/00514/OUT). That application was not refused on sustainability grounds and took note of other appeal decisions in the area that had also considered the sustainability of the village (reference 14/00067/FUL). Prior to that planning application reference 15/00483/OUT for 85 houses on the south eastern edge of the village outside the settlement boundary was refused planning permission for multiple reasons, but not on sustainability grounds. Finally, also at the southern end of the village planning permission was granted for 24 dwellings, which predated the current LDP but was determined following the first version of the NPPF and its introduction of the 'presumption in favour of sustainable development' with the site being recognised as a sustainable location based on what the village provides and services to public transport links.
- 5.1.30 The conclusion from these appeal decision and planning permissions is that Tillingham is a sustainable location which assists with the sustainability considerations of this planning application.

Loss of Agricultural Land

- 5.1.31 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. The Agricultural Land Classification identifies that the whole site is grade 2 agricultural land which is classed as 'very good' however, the site measures 1.78 hectares and is significantly lower than the 20 hectare size threshold set out in legislation for consulting Natural England on the loss of such graded agricultural land and therefore, when footnote 65 of the NPPF is applied, this is not significant development of agricultural land based on site area. Therefore, whilst there is a loss of agricultural land the proposal would not result in significant development of agricultural land based on the site area to warrant grounds for refusal.

Summary of Principle of Development

- 5.1.32 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 the Council now finds itself in a position where it does not have a 5YHLS. The previous application was considered when the Council had a 5YHLS of 6.35 years, so the planning position in considering this application has fundamentally changed. Consequently, this means that the tilted balance through the NPPF's 'presumption in favour of sustainable development' applies. In addition, since the previous application was refused planning permission in August 2023 there has been a more recent appeal decision in Tillingham on 'Land South of 97 South Street' (23/01212/FULM) in April 2025 and this is a material consideration to the principle of development in Tillingham, along with the other appeal decisions and planning permission referenced above.
- 5.1.33 Therefore, the development of sites such as on the edge of settlement boundaries need to be considered 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 on the borders of a village which provides a good a range of facilities, services and has some transport modes/links for accessibility. This position along with the Council's intentions for Tillingham as a strategic growth option furthers assists in identifying that the development of this site is acceptable in principle.

5.2 Housing Mix and Affordable Housing

- 5.2.1 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 (three+ bedroom) dwellings but to create a better-balanced stock to meet the needs of ageing population and the needs of young people there is a need for a higher proportion of smaller (one- or two-bedroom) units in the District. The more up to date housing mix requirements are set out in the Maldon District LHNA which was published in 2025. This, like the pre-ambles to policy H2, identifies the need for one-, two- and three-bedroom units. In more detail, the main need is for two- and three-bedroom market units, and a need for one-, two- and three-bedroom affordable units (affordable rented and affordable ownership).
- 5.2.2 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.
- 5.2.3 This outline application does not look to secure the housing mix at this stage because the exact mix would be secured during the reserved matters but within the application the Illustrative Masterplan Housing Mix identifies that 27 open market dwellings and nine affordable housing dwellings.
- 5.2.4 The applicant's Planning Statement provides a breakdown of houses as follows:
- 5 x one-bedroom units (three affordable units)
 - 10 x two-bedroom units including four bungalows (two affordable units)
 - 17 x three-bedroom units including three bungalows (four affordable units)
 - 4 x four-bedroom units

5.2.5 When assessed the against the latest LHNA and the applicant's Illustrative Masterplan Housing Mix the following is shown to be illustratively provided:

	LHNA Market	Proposed Market	LNHA Affordable Owned	Proposed Affordable Owned	LNHA Affordable Rent	Proposed Affordable Rent
1 bed	5% - 10%	2 units 7.4%	15% - 20%	1 unit 50%	25% - 30%	2 units 28.57%
2 bed	30% - 35%	8 units 29.6%	40% - 45%	1 unit 50%	30% - 35%	1 unit 14.29%
3 bed	35% - 40%	13 units 48.2%	30% - 35%		25% - 30%	4 units 57.14%
4 bed	20% - 25%	4 units 14.8%	5% - 10%		10% - 15%	

5.2.6 A planning condition can be imposed to ensure the housing mix reflects the latest LHNA 2025 and the Council's Technical Advice Note on this (TAN). The above table shows compliance with the LHNA 2025 but also some minor variance. However, based on the breakdown of houses as stated above this would generally meet the requirements of the latest LHNA 2025, the Council's TAN and policies H2 and H3 of the LDP.

5.2.7 Policy H1 (Affordable Housing) requires an affordable housing contribution for housing developments of more than ten units or 1,000 sqm of floorspace and in this location, Rural Southeast Lower, as defined in the policy, the requirement is for 25% of the development to provide for affordable housing.

5.2.8 The LHNA 2025 confirms that affordability pressures have increased, with the median house price now standing at over 11 times average income and a significant proportion of households unable to access market housing. The LHNA 2025 identifies a net annual need for 284 affordable homes, with 71% of this need focused on rented provision.

5.2.9 The LHNA 2025 recommends a tenure split of 70% affordable/social rented and 30% affordable home ownership (intermediate housing), subject to viability. However, paragraph 7.69 of the LHNA 2025 recognises that the Council must consider both relative levels of need and viability when determining tenure mix. While providing Affordable Home Ownership (AHO) may improve viability and allow more units to be delivered, households requiring rented housing, particularly social rented, have more acute needs and fewer housing options. This is supported by the latest data in the Housing Register provided by the Council's Housing Officer consultation who is requiring the proposed tenure mix be revised to 75% affordable/social rented and 25% intermediate affordable housing to better reflect acute local need and ensure compliance with Policy H1 and the LHNA 2025 principles.

5.2.10 The LHNA 2025 also recommends that all new dwellings should meet M4(2) accessible and adaptable standards, with at least 5% of market homes and up to 10% of affordable homes meet M4(3) wheelchair user standards.

5.2.11 The Council's Housing Officer has confirmed that there is high demand for three-bedroom rented houses for families and will therefore seek to maximise the delivery of three-bedroom, five- and six-person rented houses, in line with the upper percentage figures recommended in the LHNA 2025. The NPPF also places greater emphasis on the provision of social rented properties, which should be reflected in the tenure mix secured through the S106.

5.2.12 The Planning Statement confirms that the proposal would provide 25% affordable housing which would be up to nine dwelling with a tenure split of seven affordable rent (77%) and two intermediate/shared ownership housing (23%). The Council's Housing Officer supports the proposal and requires the full details of the affordable

housing provision to be secured through a planning obligation to a s106 legal agreement.

5.2.13 A S106 Agreement would ensure that the above requirements are met. It would also ensure that:

- Delivery of 25% affordable housing (minimum nine dwellings) with a 75% rented / 25% intermediate tenure split;
- Provision of affordable home ownership products in line with national policy;
- 5% of market dwellings and 10% of affordable homes to meet M4(3) standards
- Affordable units to be delivered by a Registered Provider/Housing Association recognised and regulated by Homes England;
- Gross costs (rent/service charge) to be within the Council's Strategic Tenancy Strategy;
- All affordable units to meet Nationally Described Space Standards;
- An Affordable Housing Scheme detailing tenure, cost, and allocation of units to be agreed with the Council.

5.2.14 The applicant's 'S106 Draft Heads of Terms' sets out the affordable housing provision and split which is considered acceptable for this development taking account of the Council's Housing Officer consultation response.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

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

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

5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

Indicative Layout and Density

5.3.6 As an outline application 'layout' is not for determination and would be considered through a future reserved matters process. The applicant's Development Parameter Plan includes two colour zones for land uses. The orange colour zone shows the extent of the residential development zone including all buildings, associated gardens and supporting infrastructure. The green colour zone shows the extent of land to be used as public open space. The plan shows a pink arrow showing the location of the proposed vehicle access and two arrows showing the pedestrian links between the site and the existing public footpath. Indicative information has been provided through the Illustrative Masterplan showing how the development could be laid out and shows the road layouts and pathways through and around the site, drainage locations, open space, amenity areas, and landscaping.

5.3.7 The plans shows that the public open space would include landscaping and would be located on the eastern side of the site which would help soften the impact upon the neighbouring countryside to the east and south of the site to some extent. From within, the proposed development is illustratively shown and would have principal elevations facing towards the countryside on the eastern and south eastern side of the site. The indicative layout shown on this plan does not raise any objections with regard to the existing development adjacent to the site to the west within the village but its impact upon the rural countryside is assessed below in terms of the landscape and visual impact section.

5.3.8 The gross area of the site works out at 18.56 dwelling per hectare (dph) with the residential land area having a net density of 24.65 dph. The existing housing estate to the west of the site has a net density of 25 dph so the density of the proposed development is in keeping with the neighbouring housing density in the area. The quantum of the development has reduced from 40 dwellings to 36 so that would result in a more appropriate density for this edge of settlement location.

Indicative Scale and Appearance

5.3.9 As an outline application 'scale' and 'appearance' are not for determination and would be determined through a future reserved matters process. An Illustrative Height Parameter Plan has been provided showing that the eastern side of the site

would have single storey building up to 6.5m in height with the rest of the site up to 2 storeys/up to 9m. This can be subject to a planning condition to ensure the reserved matters accords with this approach for the development of the site. The proposed development would consist of detached, semi-detached and terraced dwellings of a contemporary design. The Design and Access Statement makes reference to use of a design code that would influence the design of the development at reserved matters stage. 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. Whilst not included within this application the reserved matters would provide the opportunity for energy efficient buildings and the use of renewable energy installations to help address the impact of climate change.

Indicative Open Space, Amenity and Landscaping

- 5.3.10 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.3.11 As an outline application 'landscaping' is not for determination and would be considered through a future reserved matters process. The Design and Access Statement (DAS) shows an equipped area of play space known as a Local Area Play (LAP) would be provided towards the southeastern part of the site adjacent to a swale and the area of public space would be 0.32 hectares.
- 5.3.12 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.
- 5.3.13 The applicant's DAS explains that additional soft landscaping along boundaries will utilise and enhance existing features to help screen development and create a defensible eastern boundary to Tillingham, and that sustainable drainage would be integrated within green spaces, which would also be for ecological benefit.
- 5.3.14 The Arboricultural Impact Assessment (AIA) identifies the majority of tree cover is along the linear boundaries of the site and mainly outside of the site, with the main part of the site being an agricultural field. The proposed development would result in the loss of trees in the form of one group of low-quality Category C trees and two Category U trees. The AIA identifies that one of the trees to be removed is to allow for the proposed access to be provided. The majority of the trees around the linear edge of the site and outside of the site would all remain. 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

- 5.3.15 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.*

5.3.16 At a local level, the Essex Landscape Character Assessment (2003) locates the site within the 'South Essex Farmland' Landscape Character Area (LCA). The Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) locates the site within the 'Tillingham and South Latchingdon Coastal Farmland' 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-on-Crouch – elsewhere on settlement slopes in clay areas.

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

- 2 The proposal, by reason of its quantum of development proposed, density, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and guidance contained within Section 12 of the National Planning Policy Framework.

5.3.18 The quantum of development has decreased from 40 to 36 units, and this also results in a better density for the site.

5.3.19 The applicant's Landscape and Visual Impact Assessment (LVIA) sets out the impacts that the proposal would have on the landscape and the potential for the site to accommodate new buildings. In terms of the impact upon landscape character the LVIA says the site would only have a 'slight' impact because the characteristics of the 'Tillingham and South Latchingdon Coastal Farmland' landscape has 'the capacity to absorb small scale development'. The development is considered more than just a small-scale development when considered in the context of a village the size of Tillingham and therefore harm to the landscape would result

5.3.20 In terms of the visual impact, seven different viewpoints were used to assess this. The LVIA states that in views furthest away from the site there would be little change but within close proximity of the site there would be a very high change, particularly from viewpoints one, two and three from the LVIA, which would range between a 'medium to high sensitivity' and would have a 'significant effect' on receptors being those in the first floor of houses that face the site and from the two Public Right of Way (PROW) that pass along the east and southern boundaries. This would result in harm to visual amenity for those closest to the site. It is noted that the views furthest away would see the development within the context of the village when viewing the site from the countryside vantage points to the east and south of the site. Over time it is recognised that the visual effects would soften the appearance of the site through the maturity of the landscaping and vegetation.

Conclusion to this section

- 5.3.21 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. Nevertheless, the visual change would have negative visual impacts from viewpoints in close proximity to the site as the development would result in a significant change in land use from agricultural field to an urban development. The previous application recognised this harm and refused planning permission for the reasons stated in reason 2. The proposal, even with a reduction of four dwellings from the previous application would still result in harm to the character and appearance of the rural countryside and this harm needs to be assessed in the overall planning balance of this application.

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).

Access

- 5.4.7 The proposed access plan (003A) shows that the access into the site would be provided via Birch Road at what is currently a cul-de-sac section of the road. The

access road would then lead into the site would have a 5.5m wide carriageway with 2m wide footways on each side of the road into the site.

- 5.4.8 The Local Highway Authority have considered the access arrangements, and they have no objections to the proposed vehicle access arrangements subject to a planning condition to ensure that the site access to be provided in accordance with the approved plans.
- 5.4.9 For pedestrian access, in addition to the footways either side of the vehicle access into the site the Development Parameter Plan also shows a pedestrian access to the PROW through the public open space. The Local Highway Authority require a planning condition for the construction of a footway to the PROW 28 which runs along the southern site boundary.
- 5.4.10 For the construction period Local Highway Authority require a planning condition for the approval of a Construction Management Plan,

Vehicle Movements and Highway Impact

- 5.4.11 The applicant's TA has undertaken traffic survey work and has used existing traffic conditions information. Within table 5 of the TA it is stated the proposal would generate 18 additional two-way movements in the AM peak and 17 additional two-way movements in the PM peak. Based on the traffic survey work in the TA these additional vehicle movements can be accommodated in the highway network. The applicant's TA 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

- 5.4.12 The applicant's TA 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 TA 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 condition requiring all parking requirements to adhere to the Council's adopted Vehicle Parking Standards. This would then also achieve the requirements of policy T2 of the LDP.

Travel Plan and Passenger Transport Considerations

- 5.4.13 Based on the scale of this development the applicant is not proposing a Travel Plan is necessary but the Local Highways Authority are requiring the provision of a Residential Travel Information Pack to the future occupier of each dwelling, which shall be secured through a planning condition and this would therefore then accord with the requirements of policy T1 of the LDP which promotes sustainable transport options in new development.

Summary of Highway Considerations

- 5.4.14 Overall, subject to the mitigation as identified being secured through planning conditions and planning obligations there are no objections raised on highway

grounds. Therefore, the proposed development would therefore accord with policies T1 and T2 of the LDP 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 (FRA) has been submitted as part of the application. The applicant's FRA identifies the topography of the land to range between 20.7m AOD (Above Ordnance Datum) in the west of the site to 18.8m AOD towards the eastern side boundary. The FRA identifies that all sources of flood risk are very low.
- 5.5.5 The FRA and the surface water drainage plan within the FRA state that permeable paving would be provided, and this will drain to a surface water drainage pipe network underneath the roads within the site. From the surface water drainage pipe network the collected surface water would drain to the northeastern corner of the site into an underground attenuation crate where the surface water would be stored and released at a restricted flow rate of 1.8 litres per second into the existing ditch to the east of the site. 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, details of maintenance arrangements and the requirement to maintain yearly logs of maintenance.
- 5.5.6 Foul drainage would be pumped and connected to the existing public sewer in Birch Road. Anglian Water has also raised no objections subject to a planning condition requiring details of the location of existing water and drainage assets and any proposed asset diversion to be submitted.
- 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

- 5.6.4 The application is accompanied by Preliminary Ecological Appraisal (PEA) in which a survey was undertaken in May 2025, a winter bird survey (March 2023), a reptile survey (October 2021) and further ecological comment note.
- 5.6.5 The PEA follows a survey undertaken in May 2025. The PEA identifies that around the field edges are the locations where there is habitat potential. The PEA identifies that another reptile survey may be required because there is the potential for a population of slow worms and the common lizard. In terms of birds, the PEA identifies that the proposal would not impact upon any skylark populations. The PEA recommends that a pre-commencement inspect shall be needed to investigate for dormice.
- 5.6.6 With regard to Biodiversity Net Gain (BNG), the application proposes a potential 21.81% biodiversity gain in area-based habitat units and a 60.02% gain in linear based hedgerow units. The applicant's BNG Assessment states that this will be achieved through the enhancement of existing retained habitats and creation of native species-rich grasslands, hedgerows, trees and mixed scrub features.
- 5.6.7 Place Services Ecology have no objection subject to planning conditions to secure the recommendations being implemented from the PEA, a biodiversity enhancement strategy, a biodiversity method statement, a reptile strategy, and wildlife sensitive lighting design scheme, and either an optional condition for a habitat management and monitoring plan or an informative requiring biodiversity net gain.

European Designated Sites

- 5.6.8 The site falls within the recreational Zone of Influence (Zol) 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 Maldon District Council, 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.
- 5.6.9 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.

- 5.6.10 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 36no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 36no. dwellings

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

Summary of Appropriate Assessment

- 5.6.11 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.6.12 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 thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £6,100.20 is required based on the current tariff applied for RAMS mitigation. The applicant has confirmed their agreement and paid the financial contribution.

Conclusion to this section

- 5.6.13 Subject to 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 The nearest neighbouring properties are those to the west of the site that are in Mill Road and have gardens backing onto the site and those properties in Birch Road adjacent to the proposed vehicle access into the site. The occupiers of those properties in both Mill Road and Birch Road would experience an increase in activity associated with traffic movements and noise and disturbance from users of the site as the road access from the site would lead to the existing road network in the area where passing traffic would pass these properties. Whilst this may have some impact upon these occupiers this would not result in any significant adverse harm to their residential amenities to warrant refusal of the planning application. There are also no objections from the Council's Environmental Health Officer with regard to noise and disturbance.
- 5.7.3 The construction period would only be temporary and can be managed through a Construction Environment Management Plan (CEMP) to manage any pollution arising from the development of the site such as noise, dust and traffic movements.
- 5.7.4 As an outline planning application, the detailed 'layout', 'scale' and 'appearance' of the proposal is not for determination with this application and would be subject to consideration of the future reserved matters although consideration can be given to the illustrative details provided with this application and the indicative layout of the development. The illustrative layout shows proposed dwellings with gardens backing onto the back gardens of the properties in Mill Road with a back-to-back building distance of at least 33m which meets the minimum requirement of 25m back-to-back as set out in section C07 of the MDDG. In addition, planning application 25/00755/OUT was resolved to be approved at the December 2025 South Eastern Area Planning Committee meeting for three dwellings in Mill Road adjacent to the north western site boundary. The illustrative layout plan shows the proposed layout would result in back-to-back distances being less than 25m but the illustrative layout plan shows this would not be a direct back-to-back distance due to the proposed layout arrangements and the angled layout of the dwelling. Whilst the arrangement is below the guidelines the arrangement is not considered to give rise to any significant loss of privacy issues. Also, as an outline application with the layout plans being illustrative the reserved matters can allow for an amendment to the layout to address any future concerns regarding the loss of amenity. For properties in Birch Road the proposed dwellings are shown illustratively to follow a similar alignment to those properties in Birch Road. The illustrative layout shown in the Development Parameter Plan shows a housing layout that would provide sufficient distances between the existing properties in Mill Road and Birch Road.
- 5.7.5 To the north of the site the allotment gardens and a green space area back onto the site as does 30 Marsh Road but the illustrative layout shows there would be sufficient distance between the proposed dwellings and the land to north.
- 5.7.6 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. 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 and the site is located away from the Tillingham Conservation Area where there are also a number of listed buildings. Therefore, the proposal would not have any impacts upon heritage assets nearby.
- 5.8.2 As an undeveloped field the site has potential for archaeological deposits and although Place Services Archaeology raise no objections they are requiring conditions for an archaeological investigation, programme of evaluation, excavation and preservation strategy and fieldwork reporting work.
- 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 Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment set out the agricultural nature of the land and the lack of land contamination, historic or current, so no further action would be necessary. No objections have been raised by the Council's Environmental Health Officer subject to a planning condition requiring the development to be carried out in accordance with the recommendations as set out in applicant's Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment.

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.
- 5.8.7 The consultation response from the NHS raises no objection subject to a financial contribution of £26,500 towards local healthcare improvements which would be secured through a planning obligation in a S106 legal agreement.
- 5.8.8 The provision of the contributions would mitigate the impact of the development to ensure compliance with policy E3 of the LDP.

Education and Infrastructure

- 5.8.9 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.

- 5.8.10 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:
- 5.8.11 For Early Years and Childcare (EY&C) the consultation response states that *'the latest figures show there are 2 early years and childcare provided within the ward and a total of 3 unfilled places were recorded'*. It is stated that a development of this size can be expected to generate the need for up to 3.2 EY&C places and ECC will be seeking an index linked financial contribution of £66,258.
- 5.8.12 For Primary Education and Secondary Education, the development would generate the need for 10.8 Primary School places and 7.2 Secondary School places. However, ECC's Infrastructure Officer has stated that there are sufficient places available in the area and therefore no developer contribution will be required.
- 5.8.13 For School Transport the closest primary school to this development is St Nicholas C of E Primary School, Tillingham which would be deemed as available to be walked so there would not be a requirement for a school transport contribution. The closest secondary school to this development is Ormiston Rivers Academy. As this school is over 3 miles away from the development, they would be entitled to transport under the ECC's Education Transport policy, so there would be a requirement for a school transport contribution to this establishment. The cost of providing this is £42,818.40 Index Linked to 2Q 2023, applying a cost per Secondary pupil of £6.26
- 5.8.14 For Post 16 education ECC does 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.
- 5.8.15 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 £2,800.80 to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.
- 5.8.16 ECC is also seeking monitoring fee of £700 per obligation.
- 5.8.17 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E6 and I1 of the LDP.

5.9 Planning Obligations

- 5.9.1 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'*.
- 5.9.2 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'.

5.9.3 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.

5.9.4 The previous application was subject to the following reason of refusal based on inadequate information to mitigate the impact of the previous development and therefore not secured through a section 106 legal agreement.

3 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;
- Affordable housing provision; and
- A financial contribution towards health care provision, as identified by the NHS Mid and South Essex Integrated Care System.

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 provide for future healthcare provision, would not ensure that the public open space proposed was appropriately 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.

5.9.5 For this application the Planning Statement identifies that the following planning obligations are offered:

- 25% affordable housing contribution equating to nine dwellings of which seven would be provided as affordable rent and two would be provided as shared ownership
- Open space maintenance and management of the site through a management company or land trust
- Healthcare contribution
- Education and library contribution
- Essex Coast RAMS mitigation payment
- Travel Plan

- 5.9.6 From the consultation responses the following planning obligations have been identified and are required to mitigate the impact of the development and meet the CIL compliance tests:

Affordable Housing

Policy H1 requires 25% affordable housing in this location being secured as 75% affordable rent and 25% intermediate affordable housing.

Education

Financial contributions being secured as follows:

Early Years and Childcare - £66,258

School Transport - £42,818.40

Libraries - £2,800.80

Monitoring fee - £700 per obligation

NHS Contribution

A financial contribution of £26,500 towards local healthcare improvements

Essex RAMs

Currently £169.45 (2025-2026 figure) which would be up to £6,100.20.

- 5.9.7 The applicant has also provided a draft S106 legal agreement.
- 5.9.8 The applicant agrees to providing the planning obligations as set out above and this would secure the necessary mitigation and would address the reasons of refusal.

6. ANY RELEVANT SITE HISTORY

6.1 Relevant planning history.

- **22/00371/FULM** - Full planning application for a residential development of 44 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping – Refused 30.09.2022 for the following reasons:
 1. The application site lies within a rural location outside of the defined settlement boundary of Tillingham, which is defined within the LDP as a smaller village providing few services and facilities and limited employment opportunities. If developed, the site, by reason of its location, would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership and limited access to services, facilities and employment opportunities. Furthermore, the village and its limited services and facilities would be unable to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits arising from this residential scheme. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D1, T1, T2, H4 of the LDP and the guidance contained within the NPPF.
 2. The proposal, by reason of its quantum of development proposed, layout, density, grain, scale, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to Policies S1, S8, D1 and H4 of the Maldon District Local

Development Plan and guidance contained within Section 12 of the National Planning Policy Framework. Furthermore, the development.

3. The proposed development would fail to provide a housing mix that meets the District's need as set out in the Maldon District Local Housing Needs Assessment. Therefore, the development would not provide a suitable mix and range of housing to support the creation of a mixed and balanced community contrary to policy H2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
4. The proposed development has a potential significant impact upon protected species. The Applicant has submitted insufficient information demonstrating that the development would not have significant impact or the significant impact is such that it can be mitigated or compensated in a satisfactory way. The development is also not supported by biodiversity enhancement measures to secure biodiversity net gain. The development is therefore unacceptable and contrary to policies S1, D2 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal includes inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
6. In the absence of a signed legal agreement to secure completion, management and maintenance of the public open space, the impact of the development cannot be mitigated contrary to Policies S1 and D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
7. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.
8. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the provision of the necessary contribution towards health care provision, as identified by the NHS Mid and South Essex Integrated Care System, the impacts of the development on the existing health care services would not be able to be mitigated contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.
9. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Early Years and Childcare placements and provision for & Secondary Education, libraries, and Secondary School Transport, the development would have an adverse impact on the Education provision and the provision of secondary school travel contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

10. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision of Residential Travel Information Pack for sustainable transport, the impact of the development cannot be mitigated contrary to Policies S1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- **23/00363/FULM** – Full planning application for a residential development of 40 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping – Refused 22.08.2023 for the following reasons:
 1. The application site lies within a rural location outside of the defined settlement boundary of Tillingham, which is defined within the LDP as a smaller village providing few services and facilities and limited employment opportunities. If developed, the site, by reason of its location, would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership and limited access to services, facilities and employment opportunities. Furthermore, the village and its limited services and facilities would be unable to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits arising from this residential scheme. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D1, T1, T2, H4 of the LDP and the guidance contained within the NPPF.
 2. The proposal, by reason of its quantum of development proposed, density, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and guidance contained within Section 12 of the National Planning Policy Framework.
 3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, 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;
 - Affordable housing provision; and
 - A financial contribution towards health care provision, as identified by the NHS Mid and South Essex Integrated Care System.

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 provide for future healthcare provision, would not ensure that the public open space proposed was appropriately 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. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	Object for the following reasons (summarised): • Outside of the settlement boundary. • The housing development will be visual from the conservation area and is out of character for this historic village. Therefore, fails to safeguard the historic environment. This development will have an urbanising effect on the character and appearance of the rural, historic area. • Housing will impact upon the rural landscape. • Not sustainable and out of character for local character and constraints. • No evidence this scale of development for housing is required and there is no evidence of local community support. • Access, junctions and congested roads with parked cars are not suitable or serviceable to accommodate the volume of traffic. • Construction vehicles and machines causing disruption to residents. • Location of this proposed development is not served well by public transport and is very limited. • T1 Lack of public transport and the increase in residents increases the private car usage to the nearest train station. • Local infrastructure through the village of Tillingham is inadequate to support extra vehicles. • The local roads and pathways are already in disrepair. • The existing Public Rights of Way are inadequate and uneven for walking children and buggies. • Affordable housing for young professionals and to meet the needs of people requiring affordable housing, those of diverse needs and to meet the need of an ageing population in the District has not been met. • Current infrastructure cannot meet the needs	See all the sections of section 5 of the report that has considered the planning application in regard to all these points

Name of Parish / Town Council	Comment	Officer Response
	of an increase of 36 houses. • Pollution from particulates and light pollution. • Tillingham does not have any infrastructure for bicycle pathways and large agricultural vehicles dominate the road system. • There is a lack of local employment opportunities, therefore residents will be required to use the roads to commute to work due to the infrequent public transport. • There are currently education restrictions for secondary education in the local area • This will result in more vehicles on the roads during peak times. • The doctor's surgery is already oversubscribed. • Approving this application opens the opportunity for further developments being built on the agricultural land. • The land East of Birch Road has successfully been devoted to agricultural use and the growing of crops which is still evident, which leads to misrepresentation. • All contrary to policies S8, D1, D3, H5, H4, T1, T2, H2, H3, I1, E1, N1, N2, N3 and S1. There is currently already an approved planning application from 2019 for development of up to 24 dwellings at Tillingham Hall Farm, North Street, Tillingham, planning application reference 18/01476/OUT and this has not commenced yet. Additionally, there is building currently taking place of the planning applications 22/00514/OUT and 24/00042/FUL, 14 Southminster Road, Tillingham which increases the properties in Tillingham village to a further 9 dwellings. These are currently unoccupied and the extra impact from residential status of these dwellings is unknown.	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No objection subject to a condition requiring details of the location of existing water and drainage assets and any proposed asset diversion to be submitted.	See section 5.5 of the report. A condition is included in section 8 of the report
Essex County Fire and Rescue	No response	No comment

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Service		
Essex County Council Education and Infrastructure	No objections subject to financial contributions being secured as follows: • £66,258 towards early years and childcare provision • £42,818.40 towards school transport • £2,800.80 towards libraries • And a monitoring fee of £700 per obligations. For primary and secondary education there are sufficient places available in the area and therefore a developer's contribution will be required. An Employment and Skills Plan should be prepared by the developer for the development phase to increase construction employability levels and workforce numbers.	See section 5.8 of the report. All of these requirements can be secured through a s106 legal agreement
Essex County Council Highways	No objection subject to conditions requiring the approval of a Construction Management Plan, requirements for the provision of the vehicle access into the site, the construction of a footway to public footpath no.28, the provision of parking and turning areas and the provision of a Residential Travel Information Pack.	See section 5.4 of the report. Conditions to secure these requirements are included in section 8 of the report
Essex County Council Sustainable Drainage Systems (SUDS) team	No objection subject to conditions requiring the agreement of a surface water drainage scheme, measures to minimize off site flooding, details of maintenance arrangements and recording of yearly logs of maintenance	See section 5.5 the report. Conditions to secure these requirements are included in section 8 of the report
Essex Police	No response	
NHS England	No objection subject to a financial contribution of £26,500 towards local healthcare improvements	See section 5.8 the report. This requirement can be secured through a S106 legal agreement
Place Services – Archaeology	No objection subject to conditions requiring an archaeological investigation, programme of evaluation, excavation and preservation strategy and fieldwork reporting	See section 5.8 of the report Conditions to secure these requirements are included in section 8 of the report
Place Services - Ecology	No objection subject to conditions on ecological appraisals recommendations being implemented, biodiversity enhancement strategy, biodiversity method statement, reptile strategy, and wildlife sensitive lighting design scheme, and	See section 5.6 of the report. Conditions to secure these requirements are included in section 8 of the

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	either an optional condition for a habitat management and monitoring plan or an informative requiring biodiversity net gain	report
Place Services – Tree Consultant	Support subject to a condition requiring the retention and protection of existing trees	See section 5.3 of the report. A condition is included in section 8 of the report

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding land contamination, a construction management plan, construction working hours, dust emissions and control, external lighting, noise from any fixed plant and the burning of waste	See section 5.8 of the report. Conditions to secure these requirements are included in section 8 of the report
Housing	No objection subject to securing affordable housing in accordance with the housing needs of the District. That is for 25% of the development to be for affordable housing provision split as 75% affordable rent and 25% intermediate affordable housing	See section 5.2 of the report. All of these requirements can be secured through a s106 legal agreement

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notices posted on 12 September 2025 (with expiry date for comments set at 3 October 2025) and following additional/revised information site notices posted on 12 November 2025 (with expiry date for comments set at 26 November 2025). The site notices were affixed at eye level to street furniture are four locations around the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 11 September 2025 (with expiry date for comments set at 02 October 2025).

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 **52** representations were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The site is in a sensitive rural location outside of a settlement boundary and adjacent to a conservation area	See sections 5.1 and 5.3 of the report. The site is outside of the settlement boundary and would impact rural location, but this harm has to be considered against the benefits of the proposal.
The proposed development as a result of its unsympathetic scale and form would not protect or enhance the natural, built	See section 5.3 of the report.

Objection Comment	Officer Response
or historic environment but be at odds with its function as part of the wider rural context of this historic agricultural settlement	
An unacceptably intrusive urbanising effect upon the site and the rural settlement of Tillingham	See section 5.3 of the report. The site is outside of the settlement boundary and would impact rural location, but this harm has to be considered against the benefits of the proposal.
The development would result in substantial harm to the character, appearance and significance of Tillingham's Conservation Area due to the overall scale of development abutting the historic core of the village	See section 5.8 of the report. The site located outside and away from the Conservation Area so no harm would result to Conservation Area
The proposal is not considered to represent sustainable development	See section 5.1 of the report which has considered the sustainability of the site
Public transport provisions for Tillingham are extremely poor	See section 5.1 of the report which has considered the sustainability of the site
Rural roads are not fit or were designed to handle this volume and weight of traffic	See section 5.4 of the report and there are no objections from the local highway authority.
The existing sewage arrangements for the village are already overloaded and there have been pollution incidents in Bradwell Brook logged as a result	See section 5.5 of the report. Anglian Water have no objection and require a condition.
Increasing cars by 50+ on roads	See section 5.4 of the report and there are no objections from the local highway authority.
18 month waiting list at least for the local dentists	The NHS have no objection to the application subject to a financial contribution towards local medical services.
Question whether these houses would be affordable to the locals	See section 5.2 of the report.
Local broadband services are not sufficient now	The site would be connected to future utility operators.
More houses are unnecessary and unwanted	See section 5.1 of the report. The District Council has a Housing Need.
The medical centre is already over subscribed	See section 5.8 of the report. The NHS have no objection to the application subject to a financial contribution towards local medical services.
The village has limited facilities	See section 5.1 of the report.
Developments of this size will undermine that character and feel	See section 5.3 of the report.
The school is oversubscribed and there are limited opportunities for young people in the village	See section 5.8 of the report. The Education Authority have no objection to the application subject to securing financial contributions for improvements.
There is no spare capacity at Tillingham Primary School nor at Orminston Secondary School at Burnham	See section 5.8 of the report. The Education Authority have no objection to the application subject to securing financial contributions for improvements.
The design of the proposed dwellings is not in keeping with existing buildings in	See section 5.3 of the report.

Objection Comment	Officer Response
the village	
Employment. There is no prospect of any extra, long-term employment here	The application is for a housing development and is recognised that future occupiers may have to travel to access employment beyond Tillingham
Tillingham and Southminster already has 'affordable housing'	See section 5.2 of the report which identifies that affordable housing would be provided.
The doctor's surgery is at full capacity, and appointments are hard to get	See section 5.8 of the report. The NHS have no objection to the application subject to a financial contribution towards local medical services.
All access to this new development would be through the conservation area and single lane carriageway	See section 5.4 of the report
Inspector referring to the urbanising effect on a rural community	See section 5.3 of the report

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 25% affordable housing in this location being secured as 75% affordable rent and 25% intermediate affordable housing.

Education

Financial contributions being secured as follows:

Early Years and Childcare - £66,258

School Transport - £42,818.40

Libraries - £2,800.80

Monitoring fee - £700 per obligation

NHS Contribution

A financial contribution of £26,500 towards local healthcare improvements

Essex RAMs

Currently £169.45 (2025-2026 figure) which would be up to £6,100.20.

PROPOSED CONDITIONS

Submission of Outstanding Reserved Matters

- 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:
- 2-1 Existing Site Plan
 - 5 - Development Parameter Plan
 - 6 – Illustrative Height Parameter Plan
 - 003 Rev A - Site Access Drawing
 - 1 Site Location Plan
 - 2-2 Existing Site Plan
 - 1 - Site Location Plan (Residential Only)
 - 1 - Site Location (With Public Open Space)
 - 1 - Site Location (Public Open Space)
- 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 following plans:
- 5 - Development Parameter Plan
 - 3-2 Illustrative Masterplan
 - 3-1 Illustrative Masterplan
 - 4 Illustrative Master Plan Housing Mix
 - 6 – Illustrative Height Parameter Plan
- 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 and the Maldon District Technical Advice Note accompanying the Maldon District Local Housing Needs Assessment 2025.
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) 776-01-301 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.

Vehicle Access

13. Prior to the first occupation of the development the vehicle access as shown on plan 003 Rev A - Site Access Drawing shall be constructed at the back of the existing turning head on Birch Road. The width of the access road shall be 5.5 metres with 2 metre wide footways either side. This shall also include a

raised table at, or near, the new access point. The vehicle access shall be completed with a surface finish prior to the first occupation of the development.

REASON To ensure that all highway users can safely and efficiently enter and exit the site in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Local Development Plan.

Footpath Connection

14. The reserved matters for the approval of layout shall provide footpath connections to Public Footpath no. 28 (Tillingham Parish) into the development and this shall follow a similar layout as shown indicatively on the Development Parameter Plan (Drawing 5).

Prior to the first occupation of the development footpath connections to Public Footpath no. 28 (Tillingham Parish) into the development shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme and retained as such thereafter.

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

Residential Travel Information Pack

15. Prior to the first occupation of the development, the applicant or 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

16. 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

17. 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

18. The reserved matters for the approval of layout and landscaping shall provide 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

19. 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 Parameter Plan (Drawing 5).

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

20. 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

21. No development 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 3.6l/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

22. 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

23. 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.

Yearly Logs

24. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Foul Drainage

25. No development shall commence until a site layout plan detailing the location of existing water and drainage assets, and any proposed asset diversion, shall be submitted to and approved by the Local Planning Authority, in consultation with Anglian Water. In order to ensure on-going maintenance is possible all existing water and drainage assets should be located in areas of public open space and/or adoptable highways.
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

26. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (arbtech, May 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 Enhancement Strategy

27. 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 (Preliminary Ecological Appraisal (arbtech, May 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.

Biodiversity Method Statement

28. No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Amphibians and Hedgehog and Harvest Mice has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) purpose and objectives for the proposed works.
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
 - c) extent and location of proposed works shown on appropriate scale maps and plans.
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - e) persons responsible for implementing the works.
 - f) initial aftercare and long-term maintenance (where relevant).
 - g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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), s40 of the NERC Act 2006 (as amended) and s17 Crime & Disorder Act 1998, and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

Reptile Mitigation Strategy

29. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - f) Persons responsible for implementing the works.
 - g) Details of initial aftercare and long-term maintenance of the Receptor area(s). Details for monitoring and remedial measures.
 - h) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON To allow the LPA to discharge its duties under 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.

Lighting Strategy

30. 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.

Archaeology

31. 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.

Land Contamination

32. The development shall be carried out in accordance with the submitted Desk Study / Preliminary Risk Assessment. If, during development, contamination not previously identified is found to be present, works shall cease and details of remediation shall be submitted to and approved by the Local Planning Authority.

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

33. 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

34. 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

35. 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

36. 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 shall 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) Vehicle haul routing in connection with construction, remediation and engineering operations
 - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
 - (e) Details of construction any access or temporary access, and details of temporary parking requirements
 - (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
 - (g) Loading and unloading of plant and materials locations
 - (h) Details of any temporary hardstandings
 - (i) Details of temporary hoarding
 - (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
 - (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (l) Measures to reduce dust with air quality mitigation and monitoring,
 - (m) Measures for water management including waste water and surface water discharge
 - (n) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals
 - (o) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development
 - (p) A Site Waste Management Plan
 - (q) Details of security lighting layout and design, and
 - (r) 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.

No burning of waste

37. No waste materials shall be burnt on site at any time during construction or operation.

REASON To prevent nuisance from smoke, odour and emissions and to protect residential amenity, in accordance with policy 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:

Application plans:

- 2-1 Existing Site Plan
- 5 - Development Parameter Plan
- 6 – Illustrative Height Parameter Plan
- 003 Rev A - Site Access Drawing
- 1 Site Location Plan
- 2-2 Existing Site Plan
- 3-2 Illustrative Masterplan
- 3-1 Illustrative Masterplan
- 1 - Site Location Plan (Residential Only)
- 1 - Site Location (With Public Open Space)
- 1 - Site Location (Public Open Space)
- 005 Rev A Exceedance Flow Route Drawing
- 004 Refuse Tracking Drawing
- 4 Illustrative Master Plan Housing Mix
- 010 Construction Details Drawing
- 186 Existing Public Sewer Network
- 001 Rev A - Drainage Strategy Drawing Sheet 1
- 002 Rev A - Drainage Strategy Drawing Sheet 2
- 186 - Existing Public Sewer Network

Application supporting documents:

- Biodiversity Net Gain Assessment
- Anglian Water Asset Report
- Arboricultural Impact Assessment
- Planning Statement
- Design And Access Statement
- Survey Plot
- Supplementary Ecology Note
- S106 Draft Heads of Terms
- Reptile Survey
- Desk Study and Preliminary Risk Assessment
- Biodiversity Net Gain Assessment
- Anglian Water Asset Report
- Drainage Strategy Sheet 2
- Drainage Strategy Sheet 1
- Flood Risk Assessment
- Transport Statement
- Landscape & Visual Impact Assessment: Rev B
- Wintering Bird Survey
- Updated Pea - Land East Of Birch Road - Final -