



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

**to
DISTRICT PLANNING COMMITTEE
15 JANUARY 2026**

Application Number	25/00578/OUTM
Location	Land West of the Cemetery, London Road, Maldon
Proposal	Outline application with all matters reserved, except for access, for the erection of up to 275 residential units including affordable housing, land for a children's nursery (Class E), 1.8ha of land for an extension to Maldon Cemetery, drainage works, landscaping, vehicular access to the A414, pedestrian/cycle access to Spital Road and London Road, and associated infrastructure works.
Applicant	LSL Partners and Cirrus Land
Agent	Ms Catherine Bruce – Savills.
Target Decision Date	12.12.2025
Case Officer	Devan Hearnah
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan Major Application

1. BACKGROUND

- 1.1 The applications were reported to the District Planning Committee on 16 December 2025 with the following 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.
- 1.2 The previous Committee report is attached at **APPENDIX 1** and related Members' Update at **APPENDIX 2**.
- 1.3 Following a discussion at the Committee meeting, it was clear that Members were minded to overturn the Officer recommendation. Given this potential overturn, and in accordance with the Council's Constitution, the 'constitutional brake' was invoked.
- 1.4 The purpose of this report is to provide further advice to Members on the potential reasons for refusal.

2. DISCUSSION OF THE SUGGESTED REASONS FOR REFUSAL / RELEVANT POLICIES

- 2.1 Paragraph 11d of the National Planning Policy Framework (NPPF) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless, at 11 (d)ii, any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to:

- key policies for directing development to sustainable locations,
- making effective use of land,
- securing well-designed places and
- providing affordable homes,

- 2.2 The above impacts are to be taken individually or in combination.
- 2.3 As identified by Members, the main area of concern was that significant infrastructure constraints exist in Maldon which will limit the capacity for its growth. The piecemeal approach to development outside the local plan review limits the ability to plan for the cumulative infrastructure needs of the area given the level of growth expected to meet the new (December 2024) housing figures.
- 2.4 Members also expressed concerns that the development would have an unacceptable impact upon highway safety, and would not promote modal shift to other modes of travel, contrary to Policy D1 (Design Quality and Built Environment) which requires 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. The residual cumulative impact of this development on the road network would be severe following mitigation taking into account all reasonable future scenarios.
- 2.5 The harm to the landscape, character and countryside setting of Maldon, contrary to Policy D1 (Design Quality and Built Environment) which requires new development to respect and enhance the character and local context and make a positive contribution to landscape setting, townscape setting and the historic environment in relation to designated and non-designated heritage assets.
- 2.6 The relevant policies within the Maldon District Approved Local Development Plan 2017 relating to these issues include the following:
- S1 Sustainable Development
 - S2 Strategic Growth
 - S8 Settlement Boundaries and the Countryside
 - D1 Design Quality and Built Environment
 - H4 Effective Use of Land
 - T1 Sustainable Transport
 - I1 Infrastructure and Services
- 2.7 Suggested reasons for refusal could include the following:
- The proposal, by reason of its scale and location outside of the settlement boundary fails to demonstrate that the impact of the development on the ease and free flow of vehicular traffic on the A414, particularly during peak traffic times and given existing capacity restraints, has been adequately mitigated. The development is therefore likely to create excessive traffic generation and queuing as a result of the proposed additional roundabout and highway crossing infrastructure, with cumulative effects on the Morrisions roundabout, local distributor roads and Market Hill. The development therefore fails to represent sustainable development and accordingly the adverse impacts of the proposal would outweigh any benefits of the development contrary to

policies S1, S2, S8, D1, H4, T1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- The proposed development, by reason of its siting and the form of development proposed, would significantly harm the landscape and rural character of the area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site, to the detriment of its intrinsic character and beauty, contrary to Policies S8, D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 2.8 If Members are minded to refuse permission, there would also need to be a reason for refusal relating to the lack of a Section 106 legal agreement to secure affordable housing and management of open space, and contributions towards healthcare, education, libraries, public transport and the Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Suggested drafting for a reason for refusal for both applications could include the following:
- 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 the policies and guidance contained within the National Planning Policy Framework.
 - In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary Highways improvements, the impact of the development cannot be mitigated contrary to Policies S1, D1, I1, T1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
 - In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary improvements to the provision, management and maintenance of the public open space, provision of necessary contributions towards health care, primary and secondary school places, secondary school transport and libraries, the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
 - In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the On and Off Site Biodiversity Net Gain in accordance with legislative requirements the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N2, of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
 - 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 the 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, and N2 of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework.

3. SUMMARY

- 3.1 Members are invited to determine the application having regard to the Officers' recommendation or otherwise, having regard to the decision they were minded to make and the advice and information contained in this follow-up report.
- 3.2 If Members are minded to refuse the application, in accordance with the appeal protocol, the Committee should nominate a Member(s) to represent the Council at appeal.