



**MINUTES of
DISTRICT PLANNING COMMITTEE (SPECIAL)
16 DECEMBER 2025**

PRESENT

Chairperson	Councillor M E Thompson
Councillors	M G Bassenger, D O Bown, J R Burrell-Cook, S Dodsley, J Driver, M F L Durham, CC, A Fittock, A S Fluker, L J Haywood, J C Hughes, K Jennings, K M H Lagan, A M Lay, W J Laybourn, S J N Morgan, M G Neall, R G Pratt, R H Siddall, U G C Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens, N J Swindle and L L Wiffen
Officers (external organisations)	Mr Bradley and Mr Johnson, Essex County Council Highways
Officers (Maldon District Council)	Mr Jaggard, Director of Place, Planning and Growth Mrs Holmes, Director of Legal and Governance Mr Johnson, Head of Development Management and Building Control Ms Hearnah, Development Management Team Manager Mr Purvis, Principal Planning Officer

418. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting, went through some general housekeeping arrangements for the meeting and drew Members attention to the Members' Update which had been circulated prior to the meeting.

Members were introduced to Mr Bradley and Mr Johnson from Essex County Council Highways, who were in attendance to answer any questions that the Committee had In respect of the applications being considered.

419. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, S J Burwood, J C Stilts and S White.

420. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 16 October 2025 be approved and confirmed.

421. DISCLOSURE OF INTEREST

Councillor S Dodsley declared an interest in Agenda Item 5 - 25/00578/OUTM - Land West of the Cemetery, London Road, Maldon, advising that she considered herself predetermined in relation to this application. On the advice of the Monitoring Officer, she had requested to speak as a member of the public on this application as she had been involved in the related campaign. Councillor Dodsley advised she would leave the chamber having spoken and not partake in the debate or vote.

422. 25/00578/OUTM - LAND WEST OF THE CEMETERY, LONDON ROAD, MALDON

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

Following her detailed presentation of the application, the Development Management Team Manager drew Members' attention to the Members' Update which highlighted a number of updates and additions to the previously published report.

Mrs Dodsley an objector, and Mr Cavanagh the Applicant then addressed the Committee.

Having addressed the Committee and in accordance with her earlier declaration Councillor S Dodsley left the chamber and did not return.

The Chairperson advised that four further requests to speak had been received but these were rejected in accordance with the Council's public participation scheme.

In accordance with Procedure Rule No. 13 (3) Councillor M E Thompson requested a recorded vote. This was duly seconded and agreed.

During the very lengthy discussion that followed a number of Members spoke raising concerns in relation to a number of areas, which included Highways and the impact of the proposed new access, compliance with the Local Plan and National Planning Policy Framework (NPPF), impact on the surrounding landscape and sustainability. In response to the discussion and questions raised Officers, including those from Essex County Council (ECC) Highways provided the following information:

- Access to the proposed development was required and it had been assessed that the only potential access was on the A414. ECC Highways explained that assessment of the proposal had been made in terms of whether the application

was safe and efficient on planning terms, and they had determined there was no basis for objection.

- Although the land was allocated within the Local Plan as being for community facilities, Officers had to weigh this against the benefits that the housing would bring. It was noted that the development included a nursery and cemetery expansion which would be for community use.
- In response to a question regarding redesignating part of the land, the Director of Place, Planning and Growth explained that within Local Plan designation Section 38(6) allowed the Planning Authority make material considerations. He provided further detail regarding this and reminded Members that this application had been advertised as a departure from the Local Plan.
- Members were reminded that prior to the Governments revised standard methodology for calculating housing need the Council could easily demonstrate over Five-Year Housing Land Supply (5YHLS). The Director of Place, Planning and Growth advised that the latest calculation showed that the Council could demonstrate 4.14 years. Officers explained that the National Planning Policy Framework (NPPF) was clear that if a Council did not have a 5YHLS relevant policies were considered to be out of date until a 5YHLS was achieved. However, it was still necessary to consider whether the adverse impact of granting planning permission were outweighed by the benefits. In respect of an appeal, it was noted that an Inspector would look at situation and policies at the time the appeal was heard.
- ECC Highways confirmed that the drive was towards sustainable transport methods for planning applications, with pedestrian and cycle routes being prioritised over vehicular. It was noted that the onus was on developers to provide sustainable links to their sites. The current application had shown that there wouldn't be an impact on the transport network.
- Policy S2 in the Local Development Plan referred to the sustainable extensions to Maldon, Burnham-on-Crouch and Heybridge reflecting their role as employment, retail and service centres along with their level of accessibility, environmental and infrastructure constraints. Officers' assessment of this site came from the fact it would be an extension to Maldon town (the main settlement within the District) and the site had less constraints than others within the district, being that it was close to a bus network, employment land and one of the main towns in the District.
- In response to questions regarding specific highways assessments / validations the Director of Place, Planning and Growth explained that these related to evidence traditionally required for local plan making and not assessing a development management application. Members were referred to paragraph 116 of the NPPF which was clear in terms of the test that ECC Highways had to use when assessing an application such as this.
- The proposed development was expected to generate around 150 departures in total at the peak time. Members were advised that this was typical of a housing development of this size on the edge of a town. It was clarified that a capacity assessment would be undertaken and having checked the modelling ECC Highways were satisfied that there would not be any impact from the proposed 210 dwellings.
- In respect of the impact on adjacent dwellings, the Development Management Team Leader highlighted the substantive buffer proposed around the site, properties and adjacent dwellings. In respect of use by the development, the existing Maldon Hall Farm Road would only be used by pedestrians and

cyclists. It was noted that this was a private access road, and the layout would be agreed as part of the Reserved Matters application.

- Concern was raised regarding the lack of infrastructure for accessing health services, education etc. and Members were advised by ECC Highways that their consultation response had been based on the data which was representative of what was happening in the Maldon area.

Councillor N J Swindle left the meeting and returned to the chamber during this item of business. The Chairperson advised that because of this Councillor Swindle would not be able to take part in the vote on this application as she had not been present for the entirety of the debate.

At this point the Chairperson advised that following a discussion with the Monitoring Officer she would be adjourning the meeting following consideration of this item of business. Any remaining business would stand adjourned to a future meeting of the Committee in the new year, time and date to be confirmed.

The Chairperson then advised that she was adjourning the meeting for a short comfort break.

423. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 9:28pm for a short break.

424. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting of the District Planning Committee be resumed at 9:40pm in open session.

425. 25/00578/OUTM - LAND WEST OF THE CEMETERY, LONDON ROAD, MALDON CONTINUED

The Chairperson proposed that the application be approved, in accordance with the Officers' recommendation. This proposal was not seconded.

Councillor A T Fittock outlined his concerns regarding this application and proposed that the application be refused, contrary to Officers' recommendation, for reasons that it did not meet Policies S1 (Sustainable Development), S2 (Strategic Growth), S8 (Settlement Boundaries in the Countryside) and D1 (Design Quality and Built Environment). This proposal was duly seconded.

In response to a further question regarding the impact of the development on the landscape, character and countryside setting of Maldon, the Development Management Team Manager advised that Officers were not suggesting that there would not be any harm, it was acknowledged that there would be some impact on the land. However, when reviewing these against the planning benefits Officers were of the view that this wouldn't constitute a reason for refusal.

At this point the Chairperson sought nominations for a Member(s) who would be involved in any subsequent appeal relating to this application, should it this application be refused and the decision subsequently appealed. It was confirmed that this would be Councillor J Driver.

The Chairperson referred to the Constitutional Brake and that the Committee would need to vote on what it was minded to do at this point, unless Officers were content that they could use the reasons for refusal already stated. The Director of Place, Planning and Growth provided a summary of the discussions that had taken place and Members' concerns regarding this application. He spoke about the Constitutional Brake and made some suggestions that Members may wish to consider in order for Officers to resolve with the applicant of some matters raised.

Further debate ensued. In response to a question regarding whether the Highways Authority would reconsider their recommendation, the Highways Officer advised they would not and explained how they had reviewed the transport assessment submitted with the planning application, been back to the developer a number of times in terms of changing some things they thought wrong and arrived at a position that they believed was representative of what would occur on the network. Highways had to then test that against their section of the NPPF which was the position reflected in their recommendation. It was requested that details of this background information be provided to Members.

The Chairperson then asked Members for a show of hands to confirm if the Committee was minded to go against the Officer recommendation and vote for refusal. Upon a show of hands being taken, the Chairperson advised that the majority of Members had indicated they were minded to refuse the application. She advised that the Constitutional Brake would therefore be invoked.

The Director of Place, Planning and Growth provided some further guidance in respect of applying the Constitutional Brake and the need to consider appropriate reasons for refusal that linked to the Local Plan and NPPF. In response to a point of clarity the Director of Legal and Governance (Monitoring Officer) advised that when the application came back to the Committee just the grounds for refusal would be discussed, it would not be an opportunity to re-examine the debate. The Director highlighted the importance of clear, precise and robustly worded reasons for refusal. It was noted that if the Constitutional Brake was invoked Officers would consider the issues raised during this meeting and draft reasons for refusal would be brought back to a future meeting of this Committee for consideration.

Following further discussion, the Chairperson advised that as Members were minded to overturn the Officers' recommendation of approval, she was therefore applying the Constitutional Brake.

RESOLVED that the Constitutional Brake Clause be applied, and consideration of this application is therefore **DEFERRED** to a future meeting of the District Planning Committee, time and date to be confirmed.

426. ADJOURNMENT OF THE MEETING

In accordance with Procedure Rule 1(6) the Chairperson advised that she was adjourning the meeting. The meeting would continue in the New Year, at a date to be confirmed, where all outstanding business would be considered.

RESOLVED that the meeting be adjourned at 10:15pm to a future meeting of the District Planning Committee.

M E THOMPSON
CHAIRPERSON