



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

to
**DISTRICT PLANNING COMMITTEE
25 FEBRUARY 2026**

Application Number	24/00941/OUTM
Location	Land West of David Fisher Way, David Fisher Way, Southminster
Proposal	Outline planning application with all matters reserved except for primary means of access from Scotts Hill, for the development of up to 249 dwellings, public open space, together with associated, landscaping, highways, drainage and other infrastructure works
Applicant	Bloor Homes Ltd
Agent	Sam Hollingworth - Ceres Property
Target Decision Date	02.03.2026 (Time Extension agreed with the applicant)
Case Officer	Chris Purvis
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from the LDP as outside of the settlement boundary for Southminster Major Development of more than 75 dwellings

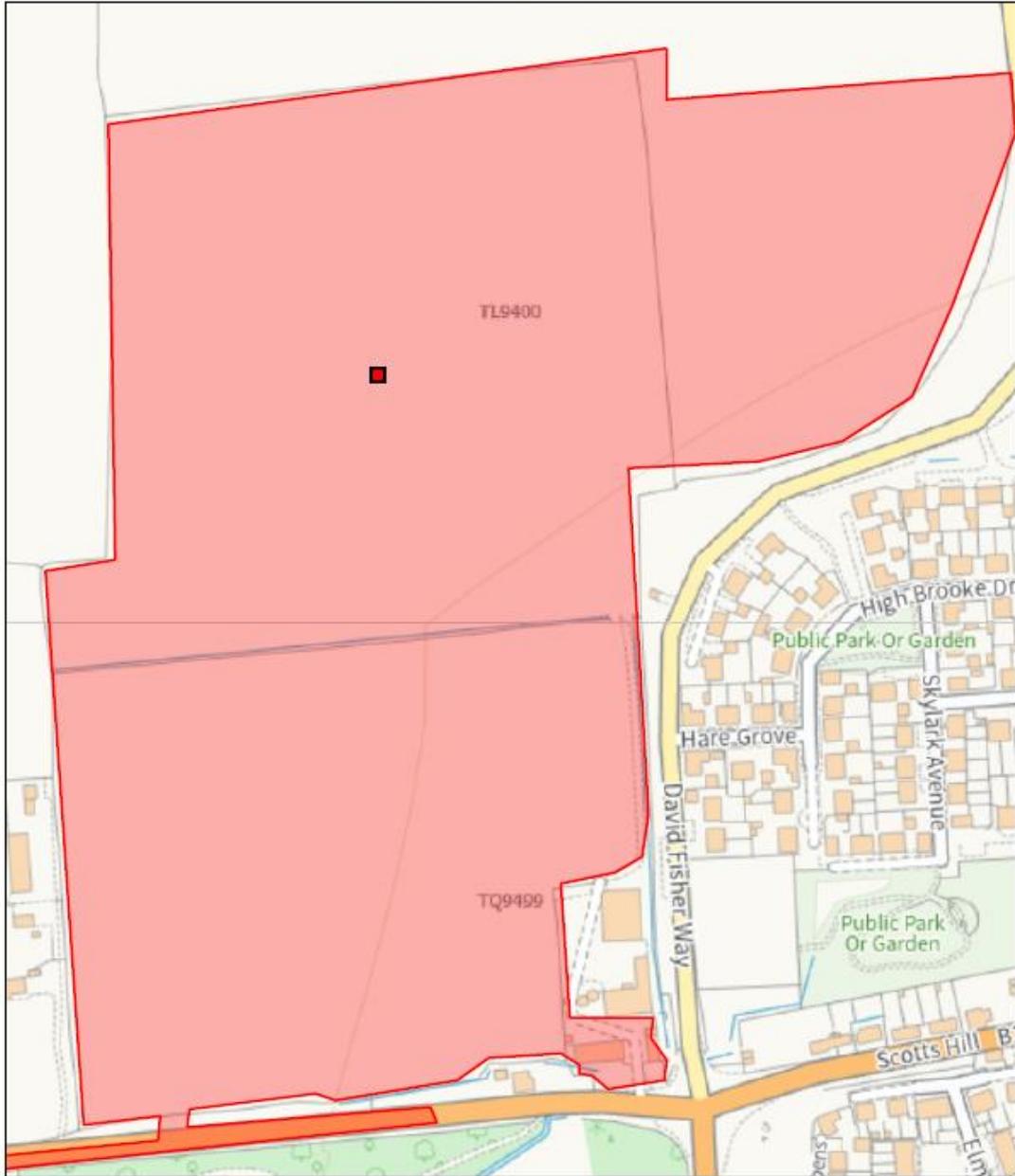
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

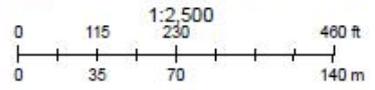
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Parish Polygon

Ward Polygon



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The site comprises of approximately 13.57 ha of Grade 3 agricultural land north of the B1018 and west of David Fisher Way and Steeple Road, Southminster. It is located at the western end of the low ridge in the centre and falls approximately NW-SE from 29m Above Ordnance Datum (AOD) to 18m AOD. The site includes two arable fields and part of a third field in the north-east. Boundary treatments are predominantly mature hedging and ditches. The site is surrounded by fields to the west, north and south and there is a large pond to the south on the opposite side of B1018 and a dwelling and garden is situated on the southern boundary running along part of the frontage with this road. A small group of utilitarian buildings in commercial use by *Advanced Boutique and Beauty* is situated adjacent to the south-east corner of the site. Part of this commercial site is included to allow for the creation of a new pedestrian and cycle link.
- 3.1.2 To the east and adjoining the site's eastern boundary is the recently constructed David Wilson Homes residential development of 94 homes at Theedhams Farm, which includes the road at David Fisher Way, balancing ponds, public open space and land for a new medical centre.

Description of the Proposal

- 3.1.3 The application has been submitted in outline form for a residential development of up to 249 homes with all matters reserved except access.
- 3.1.4 The application is supported by Parameter Plans and an Illustrative Framework Masterplan and Illustrative Landscape Proposals Plan, as well as studies and reports supporting the application.

Access and Movement

- 3.1.5 The application seeks approval for 'access' and includes detailed plans relating to one vehicle access into the site from Scotts Hill (B1018). The access would be a 'T' junction onto Scotts Hill and would comprise of a 6m wide carriageway and a two 2m wide footways. The footway on the eastern side of the access is proposed to connect to the existing footway along the northern side of Scotts Hill. A junction visibility splay of 2.4m x 95m would be provided to the east and another, 2.4m x 161m, would be provided to the west of the access for drivers egressing from the development
- 3.1.6 With regards to pedestrian/cycle access towards Southminster a separate pedestrian and cycle path linking to the southeast corner of the site would allow residents and users of the site to take a route through a shared vehicle access arrangement through the employment land to reach the roundabout, which leads into the rest of Southminster. This route would be formed by way of a 3.5m wide shared footway/cycle path to the main footway/cycle path along the internal spine road, although full details of this would be subject to the 'layout' considerations of the future reserved matters. The access plan shows pedestrian crossing points shown on the roundabout to link to existing footways.
- 3.1.7 The Access and Movement Parameter Plan shows the spine road, secondary streets, footpaths and cycle paths, vehicle access and pedestrian/cycle access

points. The Green Infrastructure Parameter Plan shows the spine road would be a tree lined street.

- 3.1.8 With regard to 'layout', 'scale', 'appearance' and 'landscaping' these would be subject of approval through the reserved matters but the following information has been provided:

Indicative Layout and Illustrative Masterplan

- 3.1.9 Indicative information has been provided through the Illustrative Framework 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. This combines information from the Access and Movement Parameter Plan and Green Infrastructure Parameter Plan.

Indicative Scale

- 3.1.10 The Building Heights Parameter Plan shows that the majority of the site would provide buildings up to 2 storeys in height with the exception of the southern half of the spine road allowing for buildings up to 2.5 storeys in height with the exception of the north perimeter of the built edge nearest to the countryside which would permit buildings up to 1 storeys in height.

Indicative Appearance

- 3.1.11 The Design and Access Statement provides some illustrative examples of bungalows, two storey houses and two and half storey houses that could be accommodated on this site.

Indicative Landscaping

- 3.1.12 The Green Infrastructure Parameter Plan shows the retention of existing vegetation in the form of existing field boundaries. Incidental landscaping would be provided around the edge of the site and Design and Access Statement provides more details of the soft landscaping proposed. The Green Infrastructure Parameter Plan shows an equipped area of play space known as a Local Area Play (LAP) would be provided towards the south eastern part of the site with the Design and Access Statement explaining the examples of equipment that could be provided. Drainage areas are also shown along with pathways. The Planning Statement states that 4.18 hectares of open space would be provided and Biodiversity Net Gain enhancements.

Housing Provision

- 3.1.13 The application has provided an indicative housing mix that demonstrates that the development would provide 81 x 4-bedroom units, 76 x 3-bedroom units and 21 x 2-bedroom units for market housing and for affordable housing this would provide 18 x 3-bedroom units and 35 x 2-bedroom units and 22 x 1-bedroom units.
- 3.1.14 Within the Planning Statement the applicant confirms that 30% of the development would provide of affordable housing.

3.2 Conclusion and Planning Balance

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

Benefits

- **Sustainable Development** – Southminster is identified as a 'larger village' in policy S8 of the Local Development Plan (LDP) and includes services, facilities and access to sustainable transport networks including bus and train services, so is considered a sustainable location, however, given the site's location on the western edge of the village it is more distant and isolated from the village centre and transport connections than other sites that have been subject to recent applications. Moderate Weight.
- **Housing Land Supply Position and Affordable Housing** – 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 because the calculations for the housing methodology have changed requiring more housing to be provided in the District. The proposal would provide a policy compliant level of affordable housing (30% of the development) but because the Council's housing land supply position and identified need for affordable housing in the District. Significant 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 11% biodiversity gain. Moderate Weight.

Harm

- **Housing Mix** – The proposed indicative housing mix would therefore not meet the current and future housing needs of the District as set out in latest Maldon District Local Housing Needs Assessment (LHNA 2025) along with the Council's own Technical Advice Note (TAN). Consequently, the current and future population of the District would not have access to the type of housing that is needed. Significant Weight.
- **Lack of Connectivity** - The proposed development is not well related to and does not integrate with the existing settlement and as a result it would not achieve connectivity and permeability with the existing settlement in placemaking terms and would appear disconnected and detached from the existing settlement. Furthermore, the proposed pedestrian and cyclist path to the southeastern corner of the site would use an existing shared access arrangement with the employment site, and this would lead to potential conflicts with pedestrians, cyclists and vehicles using this area, particularly through any lorry movements or vans serving the employment site. Significant Weight.
- **Loss of Agricultural Land** – Grade 3a and 3b agricultural land would be lost as a result of the development. Limited weight.
- **Landscape and Visual Impact** – The site is located outside of the settlement boundary for Southminster and is consequently contrary to policy S8 of the LDP. The proposal would lead to the urbanisation of the countryside in this location resulting in harmful landscape and visual impacts. However, given

the views of the independent landscape consultant, this consideration is given Moderate Weight.

- **Residential Impact** – The two residential properties immediately adjacent to the site to the south (Witchards) and to the west (42 Scotts Hill) would experience a significant change and would result in some harm to amenities of the occupiers of the dwelling when compared to the current appearance of this location. Moderate Weight.

3.2.2 The proposal would lead to neutral impacts that are neither beneficial nor harmful and would include standard requirements for major planning applications such as the provision of onsite surface water drainage systems. These neutral impacts also include the technical considerations of heritage impact, air quality, ground conditions and contamination where there would be no harm nor benefit.

3.2.3 The application at this stage has not secured a completed Section 106 (S106) agreement to mitigate the impact of the development upon infrastructure requirements including affordable housing, education, healthcare, Essex Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and a financial contribution of £630,000 for improvements to bus services from Maldon, Southminster and Burnham-on-Crouch. In absence of this and due to other recommended reasons of refusal the application is recommended for refusal in the absence of a completed S106 agreement.

3.2.4 Based on the above it is considered that the identified benefits of the proposal would not, on balance, outweigh the identified harms and therefore the application is recommended for refusal as set out in the recommendation section.

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
- S3 Place Shaping
- S7 Prosperous Rural Communities
- 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
- E1 Employment
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- 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
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and paragraph 47 of the NPPF require planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 The LDP Proposals Map identifies that the site is located outside of the defined settlement boundary of Southminster. Therefore, policies S1 (Sustainable Development) and S8 (Settlement Boundaries and the Countryside) apply.
- 5.1.3 Policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption but still follows the approach of the current NPPF in considering the economic, social and environmental role of achieving sustainable development, this is assessed in more detail below.
- 5.1.4 With regard to policy S8, Southminster is defined as a 'larger village' in the settlement hierarchy table and the policy identifies that *'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'*. Furthermore, the policy states that *'Outside of the defined settlement boundaries... planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'*. This means the proposed development would be unacceptable in principle and contrary to policy S8 as none of the policy exceptions listed in the policy would apply to a residential development. The Rural Facilities Survey and Settlement Pattern is more recent and an evidence base for a new Local Plan (2023) and also identifies Southminster as a 'larger village' based on the services and facilities it has to offer.
- 5.1.5 The planning history shows that the previous application for this site (23/00249/OUTM) 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 outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing and employment in the District. The development is therefore contrary to Policies S1, and S8 of the Maldon District Local Development Plan (2017).
- 5.1.6 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 have been any policy changes.

The Policy Position and the 5YHLS Position

- 5.1.7 Policy S2 (Strategic Growth) of the LDP plans for a minimum of 4,650 dwellings between the Plan's period of 2014 to 2029 with strategic growth to be delivered through urban extensions to Maldon, Heybridge and Burnham-on-Crouch. Outside of these locations the policy allows for housing through Neighbourhood Plans and a windfall allowance. A proportion of new development will be directed to the rural villages to support rural housing needs based on the settlement hierarchy approach, although there are no allocated sites in the current LDP for village extensions. As a consequence, a development such as proposed in this case would be considered as a 'windfall site' for the purposes of policy S2.
- 5.1.8 Up until early December 2024, the Council was able to demonstrate a 5YHLS of 6.3 years. The 5YHLS is a requirement for Local authorities to identify and maintain a supply of land suitable for building a minimum of five years' worth of housing. This supply includes deliverable sites where homes can be built within that timeframe. As a result of the change in the methodology of calculating the housing needs of the District in the NPPF, (December 2024) the Council cannot now demonstrate a 5YHLS. This means that Maldon District needs to accommodate more housing than the requirements set out in policy S2 of the LDP, which states that 276 housing units per annum are required throughout the lifetime of the plan. The changes have given rise to a requirement of 583 housing units per annum (LHNA, 2025) and, given this position policy S2 can no longer be considered 'up to date' in terms of delivering the required housing. The default position is that development proposals will need to be considered on the basis of whether they are sustainable or not, in accordance with the requirements of the NPPF and policy S1.
- 5.1.9 Paragraph 11d (ii) concerns the 'titled balance' where a favourable decision is likely to 'tilt' in favour of sustainable development unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.
- 5.1.10 In addition, at an extraordinary meeting of the Council on 17 June 2025 Members considered the Maldon District Council (MDC) LDP Review Growth Options and it was agreed:
- That strategic growth in the Local Development Plan Review should go into the Towns and large villages – these being Maldon, Heybridge, Burnham-on-Crouch, Southminster, Great Totham South, Tollesbury, Latchingdon, Tillingham, Tolleshunt D'Arcy, Wickham Bishops and Mayland.*
- 5.1.11 As stated above Southminster is considered as a location for strategic growth.

Sustainability

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

- 5.1.13 Consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF.
- 5.1.14 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 (LPA) is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These are assessed below.
- 5.1.15 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.16 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"*.
- 5.1.17 In terms of accessibility, this village includes a range of facilities and services including a church, a pre-school, infant and primary school, library, public houses, a swimming pool, a number of shops and take-aways, a brewery, employment sites, a veterinary clinic, doctors surgery village hall, recreation ground and facilities.
- 5.1.18 In addition, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Southminster has a railway station serving other stations in the District and connecting to London and bus services to other parts of the District and onto Chelmsford. The site is within walking distance of the services and facilities of the settlement. The railway station is 1.7 km from the site, the primary school 1.4 km, the doctors 1.3 km, all can be accessed by foot.
- 5.1.19 Based on the above it is considered that the village has good accessibility in terms of the NPPF sustainability considerations, however, given the site's location on the western edge of the village it is more distant and isolated from the village centre and transport connections.
- 5.1.20 In terms of the economic dimension of sustainable development, the construction phase of the development would bring jobs to the area and the operational phase, when the dwellings are occupied would bring in new people who would spend money in the local area and benefit local businesses. When the development is occupied, new residents would provide household spending within the local economy. The dwellings would provide an opportunity for local people to live and work in this area. These are recognised as economic benefits of the proposed development.
- 5.1.21 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District including the provision of bungalows which are needed in the District to assist with the District's ageing population. The development would help create a new community at this site.

5.1.22 For the environmental objective, and subject to the technical assessment of each material planning consideration, the proposed development would allow for the opportunity for the delivery of a high-quality designed housing development that would benefit from the latest energy efficiency requirements to help tackle climate change, there is an opportunity for ecology and biodiversity gain and on site surface water management measures to reduce flooding. As identified above the site is in a sustainable location close to the centre of Southminster for goods, services and sustainable transport networks reducing to some extent the need for private vehicle usage.

Call for Sites

5.1.23 The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference SMIN6. The outcome of this process found that the site was identified as potentially suitable for residential development.

5.1.24 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

5.1.25 To the north east of Southminster adjoining the settlement at a site known as Land north of Homefield and west of Tillingham Road was subject to a planning application (23/01244/OUTM) for up to 220 dwellings that was refused planning permission and then dismissed on appeal. The appeal was dismissed on the grounds of harm to the character and appearance of the area as the development would have conflicted with policies S1 and D1 of the Local Plan. The Inspector did not object to the application on grounds of the principle of the development nor sustainability and recognised the Council's position with regard to the 5 year housing land supply and the need for affordable housing attaching substantial weight to that need.

5.1.26 A more recent planning appeal decision at a site known as Glebe Meadow to the south eastern side of Southminster for a development of 36 dwellings was dismissed on appeal for multiple reasons (reference 24/00017/FULM). This appeal is referenced because it considered policy S8 and considered that site had a rural character on the edge of Southminster, so there are similarities with this application site. The appeal site was considered by the Inspector who stated that the development would have *'an urbanising effect on the rural character and would not have at least a limited adverse impact upon the intrinsic character and beauty of the countryside'*. The proposal was found to be at odds with the spatial strategy in policy S8.

5.1.27 Another recent appeal decision in Latchingdon (for this report known as the Latchingdon appeal) at a site known as Land South of Threeways and 45 The Street Latchingdon (ref 24/01004/OUTM) was refused planning permission and was dismissed on appeal on flood risk grounds as flood risk did not fully satisfy the flood risk sequential test, and on ecological grounds with regard to insufficient information to demonstrate the impact upon designated ecological sites and having regard to the Habitat Regulations. It should be noted that the appeal was not dismissed on the suitability of the site being located in a smaller village to Southminster nor on infrastructure grounds with regard to foul drainage, education, healthcare and highway impact.

Loss of Agricultural Land

- 5.1.28 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 land that is grade 3a (4%) and 3b (96%) agricultural land. The majority of the agricultural land is classified as grade 3b land which is not the Best and Most Versatile land and therefore there is no conflict with paragraph 187 b) of the NPPF. The loss of agricultural land has to be balanced with the Housing needs of the District and the need for housing outweighs the loss of grade 3 agricultural land.
- 5.1.29 In addition, it should be noted that from the Latchingdon appeal (ref 24/01004/OUTM) the Inspector considered the loss of agricultural land should only be given limited weight and would not form 'a tenable reason for refusal'.

Employment Land Uses

- 5.1.30 In the southeast corner of the site and adjacent to the site boundary in this location is an existing employment use. The Planning Statement states that the existing employment use would be retained while providing a footpath through this area of the site to link to the public highway to the southeast of the site. From a land use perspective, there is no loss of employment land from this site in consideration of policy E1.

Summary of Principle of Development

- 5.1.31 Taking into consideration the reason of refusal from the previous application, the recent appeal decisions on the edge of Southminster and the one in Latchingdon, and the relevant LDP policies (as stated above), the proposed development outside of the settlement boundary is contrary to policy S8 but as the current NPPF has changed the methodology for calculating housing need the Council now finds itself in a position where it does not have up to date 5 year housing land supply. Consequently, this means that the titled balance through the NPPF's 'presumption in favour of sustainable development' applies. Therefore, the development of sites such as this outside 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.
- 5.1.32 For the reasons explained above whilst the site the site is considered to be located in a sustainable location on the edge of a village its location on the western edge of the village it is more distant and isolated from the village centre and transport connections. However, this isn't considered unacceptable given the Council's intentions for Southminster as a strategic growth option which would inevitably mean sites such as this would come forward for development. It is considered that the principle of the development is, on balance, acceptable subject to the consideration of all other material planning considerations as set out below.

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-amble to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings but to create a better-balanced stock to meet the needs of ageing population and the needs of young people there is a need for a

higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements is set out in the Maldon District Local Housing Needs Assessment, which was published in 2025 (LHNA 2025) along with the Council's own Technical Advice Note (TAN). This, like the pre-amble to policy H2, identifies the need for 1, 2 and 3 bedroom units. In more detail, the main need is for 2 and 3 bedroom market units, and a need for 1, 2 and 3 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 following written requests an indicative housing mix has been provided and is shown in the tables below and can be assessed with this application.

5.2.4 Housing Numbers and % in brackets:

Type (ALL)	1-bed	2-bed	3-bed	4-bed	TOTAL
Market	0	21 (8.4%)	72 (28.9%)	81 (32.5%)	174 (69.8%)
Affordable Housing	22 (8.8%)	35 (14%)	18 (7.2%)	0	75
TOTAL	22 (8.8%)	56 (22.4%)	90 (36.1%)	81 (32.5%)	249

5.2.5 Following an Officer request for details of the housing mix to be provided the applicant's agent in December 2025 submitted information contained in the table in paragraph 5.2.4. This information demonstrates that proposed housing mix would not accord with the latest Maldon District Local Housing Needs Assessment, which was originally published in September 2025 (LHNA 2025) along with the Council's own Technical Advice Note (TAN). The LNHA has since been updated with some minor changes in the December 2025 version. However, the applicant's indicative housing mix does not accord with the LNHA or TAN requirements and includes a disproportionately high number of 3- and 4-bedroom units. This quantum of 3- and 4-bedroom units would therefore not reflect the current and future housing needs of the District and would only add to the surplus supply of 4-bedroom units within the District. To achieve the requirements of the LNHA and TAN a higher number of 1- and 2-bedroom units need to be provided. Therefore, as assessed through this application the proposed indicative housing mix is unacceptable and not reflect of the District's current and future housing needs.

5.2.6 The proposed indicative housing mix would therefore not reflect the current and future housing needs of the District as set out in latest Maldon District LHNA 2025 along with the Council's own TAN. Consequently, the current and future population of the District would not have access to the type of housing that is needed. As such the proposal is considered unacceptable and contrary to policy H2 of the Maldon District Local Development Plan and contrary to the guidance contained in Chapter 5 of the NPPF and PPG.

5.2.7 Policy H1 (Affordable Housing) requires an affordable housing contribution for housing developments of more than 10 units or 1,000 sqm of floorspace and in this location, Rural Southeast Higher, as defined in the policy, the requirement is for 30%

of the development to provide for affordable housing in accordance with the Council latest Housing Needs Assessment.

- 5.2.8 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 great 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 30% affordable housing would be up to 50 dwellings with a tenure split of X affordable rent (66%) and 25 intermediate/shared ownership housing (33%). 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 as set out below:
- Delivery of 30% affordable housing 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.
- 5.2.13 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 Considerations and Landscape and Visual Impact

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

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

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- 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 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings 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).

5.3.6 The previous application (23/00249/OUTM) was refused planning permission for multiple reasons and one of those reasons is set out below:

2. The proposed development is not well related to and does not integrate with the existing settlement and as a result it would compromise the identity of

Southminster to the detriment of the rural character of the area contrary to policy S1 part 12 and policy D1 of the Maldon District Local Development Plan (2017).

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

- A revised location for the village green
- A slightly revised location of the pedestrian and cycle path through the site to the south eastern corner with the employment building now showing as being retained
- Previously employment land as provided along the eastern boundary, which was to compensate for the proposed demolition of the employment building to allow for the pedestrian and cycle path
- A different location for the play space
- A reduced buffer and area of open between the northern part of the site's development areas and the boundary.

5.3.8 The application is supported by Parameter Plans and an Illustrative Framework Masterplan which proposes development laid out around a central spine road and these were updated and received in December 2025.

Layout

5.3.9 As an outline application 'layout' is not for determination and will be determined through a future reserved matters process. The Illustrative Masterplan shows that the site would be served by one vehicle access from Scotts Hill. This vehicle access would lead into an internal road network and effectively two areas of residential development representing the current two field parcels. That would create a north and south area for residential development all linked together by an internal road and footpath network. The Illustrative Masterplan shows areas of open space, a play space, existing and proposed landscaping, and drainage features. The Parameter Plans show less detail than the Illustrative Masterplan, but these would fix various aspects of the development that the reserved matters would need to adhere too based on the Green Infrastructure Parameter Plan, Access & Movement Parameter Plan, Density Parameter Plan and Building Heights Parameter Plan.

5.3.10 With regard to connectivity to the existing settlement and permeability between the site and the existing settlement the proposed development the former Place Officer advise that '*Access must consider pedestrians and cyclists accessing local facilities and services in Southminster and the wider area. There are also the added considerations of decarbonisation of transport to improve air quality and reduce emissions and the health and wellbeing benefits of active travel*'. However, the proposal would not integrate well with the existing neighbouring David Wilson Homes development or the wider settlement. The reasons for this include the site access being positioned on Scotts Hill over 230m from the existing roundabout which is well beyond the existing edge of the settlement, and the absence of any vehicular links onto David Fisher Way and only one pedestrian/cycle route connection. The previous application included a pedestrian connection around an existing building before it reached the existing footway on Scotts Hill, to the west of the roundabout junction.

However, this application does not propose the same arrangement. The current arrangement would be for pedestrians and cyclists to use an existing shared access arrangement with the employment site, and this would lead to potential conflicts with pedestrians and vehicles using this area, particularly any lorry movements or vans serving the employment site. The reliance on this pedestrian and cycle access arrangement as the main and only pedestrian and cycle access to the village is unacceptable and more should be done to establish links to David Fisher Way and the existing settlement to address refusal reason 2 of the previous application. This was raised as an issue during the course of the application following the former Place Officer's consultation response and has not been addressed with an acceptable solution. As a result, it is considered that reason of refusal 2 from the previous application has not been resolved.

- 5.3.11 The Density Parameter Plan identifies up to 35 dwelling per hectare for the majority of the site with the exception of the northern part of the site where the density would be up to 30 dwelling per hectare. The density range for the development would be acceptable and comparable to the density at the site to the east of David Fisher Way (ref 14/00613/OUT) which is between 30-35 dwellings per hectare.

Scale and Appearance

- 5.3.12 As an outline application 'scale' and 'appearance' are not for determination and will be determined through a future reserved matters process. The Building Heights Parameter Plan shows that the majority of the site would provide buildings up to 2 storeys in height with the exception of the southern half of the spine road allowing for buildings up to 2.5 storeys in height, and with the exception of the north perimeter of the built edge nearest the countryside allowing for buildings up to 1 storeys in height. The Design and Access Statement provides some illustrative examples of bungalows, two storey houses and two and half storey houses that could be accommodated on this site. Existing developments to the east within the settlement are two storeys in height so a similar approach and height range would be appropriate for this site.

Landscaping and Trees

- 5.3.13 As an outline application 'landscaping' is not for determination and will be determined through a future reserved matters process. The Green Infrastructure Parameter Plan shows the retention of existing vegetation in the form of existing field boundaries. Incidental landscaping would be provided around the edge of the site and Design and Access Statement provides more details of the soft landscaping proposed. An extract area for the site entrance shows the illustrative landscape proposal for detailed landscaping at the site entrance and this has since been updated with a site wide illustrative landscape proposal plan, which shows more detailed landscaping of the site. A planning condition shall identify the requirements for the future reserved matters and the information within illustrative landscape proposal plan shall therefore need to inform the reserved matters to achieve a detailed landscaping scheme is achieved.
- 5.3.14 The applicant's Tree Survey review, Arboricultural Impact Assessment and Arboricultural Method Statement identifies that all trees and hedgerows form part of the site's field boundaries and areas beyond the field boundary. This concludes that *'there are trees and hedges that are in good condition and provide amenity to both the site and as part of the surrounding landscape'*. It is recognised that the proposal could include landscaping enhancements, and these would be secured through the reserved matters for 'landscaping', but this would also need to work with the retention of existing trees and hedgerows around the site boundaries as identified in the study.

A planning condition can secure the retention of the retention of existing trees and hedgerows at the site as identified in the study and relevant tree/hedgerow retention plans.

Open Space and Amenity Provision

- 5.3.15 Policy N3 identifies that developments must contribute to providing open space with new developments. The Green Infrastructure Study from 2011 that formed one of the evidence basis to policy N3 makes identifies existing open space within the District but does not identify the exact requirement in terms of size of open space and play equipment to be provided for new open space and amenity provision. Paragraph 103 of the NPPF identifies the need for a network of high quality open spaces for the importance of health and well being and to benefit nature and address climate change. The PPG makes it clear that it is for a Local Planning Authority to assess the level of open space required for their area.
- 5.3.16 As an outline application there is only limited information provided on open space and amenity provision. The Green Infrastructure Parameter Plan shows areas of open space and an equipped area of play space known as a Local Area Play (LAP) that would be provided towards the eastern part of the site with the Design and Access Statement providing examples of equipment that could be provided. The Design and Access Statement provides more detail and identifies the site in six different character areas to explain the approach taken. The Planning Statement states that 4.18 hectares of open space would be provided and Biodiversity Net Gain enhancements.
- 5.3.17 There are no objections raised to the open space and amenity provision from the information shown on the Green Infrastructure Parameter Plan, but further details of the open space and the Local Area Play shall need to be provided through planning conditions and through the reserved matters. Subject to this information being provided this outline planning application is not considered contrary to policy N3 of the LDP or the guidance within the NPPF/PPG.

Landscape and Visual Impact

- 5.3.18 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.*
- 5.3.19 The site does not fall within any formal landscape designation. It is located on gentle southeast facing slopes that vary between 29m AOD and 18m AOD and extends across three separate arable fields. In terms of character, it falls within Landscape Area LCA E2: Tillingham and Latchingdon Coastal Farmland, the key landscape characteristics of which are:
- *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 pattern.*

- *Settlement pattern follows underlying soils - sand and gravel formations on a ridge between Bradwell and Burnham - elsewhere settlement on slopes in clay areas.*

5.3.20 This landscape is described as

“Broadly rolling higher ground forming the hinterlands behind the Dengie drained marshland, the lower Blackwater estuary drained marshland, and the river Crouch drained farmland”.

5.3.21 The LCA assesses E2 as having Moderate sensitivity to change and the relevant key planning and land management issues in this area include:

- *Potential further loss and decline in hedgerows due to intensive agricultural practice and lack of management.*
- *Pressure of increased traffic on rural and minor lanes especially during peak tourist seasons.*
- *Potential for more visually intrusive expansion to the settlement edges*
- *Potential for visually intrusive development of new farm buildings.*

5.3.22 In terms of the wider area of Southminster to the north east of Southminster adjoining the settlement at a site known as Land north of Homefield and west of Tillingham Road was subject to a planning application (23/01244/OUTM) for up to 220 dwellings that was refused planning permission and then dismissed on appeal. The appeal was dismissed on the grounds of harm to the character and appearance of the area as the development would have conflicted with policies S1 and D1 of the Local Plan. That site is in a different location to this one but since the decision consideration has been given to that appeal decision through information provided to this current application. It is also pertinent to reiterate the findings of the recent planning appeal decision at Glebe Meadow where the Inspector stated, for an edge of Southminster site, that the development would have ‘*an urbanising effect on the rural character and would not have at least a limited adverse impact upon the intrinsic character and beauty of the countryside*’. The proposal was found to be at odds with the spatial strategy in policy S8.

5.3.23 To help understand the landscape and visual impact of the development, the application is accompanied by the applicant’s Landscape and Visual Impact Assessment (LVIA) (produced by the Landscape Partnership in October 2024) which was then subject to a review by the applicant and an LVIA Review Note was produced (by Stantec in May 2025). To help Officers in the assessment of the landscape impact an independent landscape consultant (from Open Spaces) was appointed to review the applicant’s documents, and that independent assessment was produced in September 2025. All of these assessment documents are explained below.

The Applicant’s LVIA

5.3.24 The applicant’s LVIA follows the industry standards from the ‘Guidelines for Landscape and Visual Impact Assessment’ (third edition) and references to the terminology used in the form residual effects and adverse considerations follow that approach throughout this LVIA. The applicant’s LVIA identifies that the proposal would retain and restore the existing hedgerows around the boundaries along with additional planting to be provided.

5.3.25 In terms of the effects on landscape character the applicant’s LVIA explains that the proposed development would result in the loss of open agricultural fields which are

typical of the wider landscape as the site would become a residential area leading to urbanisation of the site. The applicant's LVIA explains that a landscape strategy would include increased trees and hedges and these would be planted throughout the site but including the highest points on the site. The applicant's LVIA recognises that the northern section of the site is more exposed as the ground level rises to the north and west. This is where the need for extensive areas of planting is needed around the open space to soften the appearance of the built form upon the landscape. In summary, with regard to the effects upon landscape character the LVIA concludes as follows:

'There would be limited loss or alteration to the characteristic features of the area, the effects would be localised and a small proportion of the overall character area would be affected. The residual effect on the character of the Tillingham and Latchingdon Coastal Farmland was therefore assessed as Minor adverse.'

'Considering the effect on the character of the local landscape character area, the magnitude of change at year 15 (when planting has become established and the benefits arising from the enhance green infrastructure and integration into the surrounding landscape framework have been realised) would be Medium-Low and the significance of the change Moderate-Minor adverse. This judgement balances the loss of farmland against the landscape benefits brought about from the restoration of hedges and the benefits arising from the enhancement of green infrastructure, including the creation of habitat connections within the site and to the wider landscape framework, and the introduction of pedestrian access and the resultant ability to appreciate the landscape.'

- 5.3.26 In terms of the effects on views, the applicant's LVIA recognises that the site has a moderately extensive zone of visual influence, and a number of different viewpoints have been taken to show the impact from close, short, middle and longer distance views. The applicant's LVIA explains that the introduction of development in close proximity to the receptors will inevitably cause a large change to the view, although the changes would be moderated by the retained hedges and the set back of development behind areas of open space. The visual effect of these views were assessed as Moderate adverse. Viewpoint A represents a close viewpoint from Steeple Road and Theedhams Farm area. It is stated that in future years, views of the development would be increasingly screened by planting within the open space at the northern edge of the site. The residual effect on this view was assessed as Moderate adverse. Other viewpoints nearby but further away from the site identify that the residual effect would be 'minor adverse' and the many of the views from within Southminster prevent any visual viewing of the site. The applicant's LVIA considers that the proposed development would be similar in character to the existing residential development which is already visible from Southfield Way i.e. development would integrate with existing features. The proposals here would extend the area of development westwards. The applicant's LVIA concludes that for the effects on views there would be a residual effect of Moderate adverse significance.

The Applicant's LVIA Review Note

- 5.3.27 In May 2025 the applicant commissioned an LVIA Technical Note to be produced that reviewed the applicant's LVIA (produced by the Landscape Partnership in October 2024), the Place Officer's consultation response and the recent appeal decision to the north east of Southminster adjoining the settlement at a site known as Land north of Homefield and west of Tillingham Road reference 23/01244/OUTM.
- 5.3.28 In assessing the applicant's LVIA the LVIA Review Note supports the overall conclusions of the LVIA. It found that initial landscape and visual effects would be

'moderate adverse', reducing to 'minor' or 'negligible' levels by Year 15 following the establishment of proposed mitigation through the landscaping strategy.

- 5.3.29 In response to the former Place Officer's comments the LVIA Review Note considers that those comments do not fully reflect the site's contained character or the potential for successful integration through a refined landscape approach.
- 5.3.30 With regard to appeal decision to the north east of Southminster LVIA Review Note considers the application site is more suitable, visually contained, and defensible location for growth in landscape terms.

Independent Landscape Consultant Assessment

- 5.3.31 In July 2025 the Council appointed an independent landscape consultant to produce a report to assist with the landscape and visual impact considerations of this application.
- 5.3.32 In terms of the impact upon Landscape Character, the independent landscape consultant acknowledges that should the proposed development be constructed, the whole character of the site would be changed, including the north and northwestern parts of the site. The independent landscape consultant recognises that the applicant's LVIA assesses the effect on the wider LCA to be 'moderate-minor' at year 1 and 'minor' at year 15 and concurs with this appraisal providing suitable landscape mitigation can be agreed within the areas as shown Green Infrastructure Parameter Plan and the Illustrative Masterplan.
- 5.3.33 In terms of the visual impact, the independent landscape consultant agrees with the viewpoint locations and welcomes the additional viewpoint along David Fisher Way to the north of Viewpoint M. It is said that it is likely that this proposed landscaping should be substantial, and consideration should be given to prioritising the need for mitigation over the provision of open space. It is therefore requested that, should the proposed development be approved, a Landscape Management Plan to cover, not only the site-wide landscape enhancements but to also include the soft landscape mitigation from establishment to maturity, i.e. 20-year period is required. The independent landscape consultant considers the visual relationship between the proposed development and the existing residential estate to the eastern side of David Fisher Way is not as strong as it could be due to the lack of connectivity and the extensive landscaping in the form of attenuation ponds as well as wide road verges. This buffer zone has the effect of pushing the proposed built form back into the site and therefore results in the visual dialogue between the two areas of built form being diluted, however, when considering the additional viewpoint (Drawings: D3069-FAB-00-XX-VS-L-015 and D3069-FAB-00-XX-VS-L-016), it is clear that whilst there may be some visual connection, this could be strengthened. Overall, it is the opinion of the independent landscape consultant that 'major' and 'moderate' significance will require mitigation; therefore the following viewpoints have been appraised within the LVIA as significant effect at year 1 and therefore landscape mitigation will be required to address this.
- 5.3.34 In his overall conclusion the independent landscape consultant considers that the outline scheme as proposed can mitigate for any significant harm to both the wider landscape and the identified viewpoints. In addition, and should the proposed development be approved, it is requested that the following is achieved:
- Comprehensive soft landscape plans showing location, number, size and species for trees and hedgerows.

- Mitigation Strategy setting out how significant effects on visual receptors have been addressed.
- Landscape Management Plan for a minimum 20-year period.

5.3.35 Overall, inevitably it is recognised that the urbanisation of this site would result in harm to the landscape and visual impact of the site but the independent landscape consultant does not object to the application on landscape and visual impact grounds, subject to securing the landscaping mitigation as identified, which can be secured through planning conditions and the reserved matters. This harm is given moderate weight given the independent landscape consultant opinion to the application.

Overall Design Consideration and Impact upon the Area

5.3.36 The applicant's rationale as outlined above is considered to be sound in seeking to reduce the landscape impact of the proposed development as far as possible and this is supported by the independent landscape consultant's opinion. However it is considered that because the proposed development would not be well related to and does not integrate with the existing settlement and as a result it would not achieve connectivity and permeability with the existing settlement in placemaking terms and would appear somewhat disconnected and detached from the existing settlement, contrary to policy S1 part 13 and policy D1 part 6 of the Maldon District Local Development Plan, Maldon District Design Guide CO1 and the guidance contained with Chapters 8 and 9 of the NPPF.

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 Vehicle Parking Standards (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 consent be granted. The application a proposed access plan and the Access and Movement Parameter Plan that would be for determination.

- 5.4.6 The application is supported by a Transport Assessment ('TA') which includes details of the access, visibility splays and trip rates as well as Stage One safety audit and other requirements.

Access

- 5.4.7 The proposed access plan (2103430-003 Rev I) shows that vehicle access into the site would be provided from Scotts Hill from the southern site boundary which would be located towards the south western corner of the site. This would be the one only vehicular access into the site and would be provided through a bellmouth junction with a 6m wide carriageway and 2m wide footways either side of the access. Clear visibility splays would be provided in either direction of the access and would involve the relocation of the existing national speed limit signs further west of the junction. The vehicle access has been subject to a road safety audit. This would allow for a change in the speed limit at the junction with an extension of the existing 30mph speed limit as a result. Any change in the speed limits of the road would be subject of a Traffic Regulation Order (TRO) which is a separate process to this planning application and would be applied for at a separate time to the determination of this planning application. The Local Highway Authority have no objections to the access arrangements.
- 5.4.8 The existing footway on the northern side of the carriageway along Scotts Hill would be extended west to the junction to allow for a pedestrian route into this part of the site.
- 5.4.9 To the south eastern corner of the site a pedestrian and cycle access is proposed and shown on the access plan. This arrangement would provide for a 3.5m wide foot and cycleway to connect to the site via the existing employment site that is partly within and partly outside of the site. This arrangement would create a shared surface arrangement as this route would also be used by the existing businesses that operate from this site so would involve pedestrians and cyclist using a shared space with private vehicles including car and potentially delivery vehicles. This access arrangement would allow access onto Scotts Hill and would link up to the existing pedestrian crossing points along Scotts Hill and Southfields Way to allow for connections into the village. Improvements are proposed and are shown in a drawing (2103430-003 Rev I) contained within the Transport Assessment. The arrangement is different to the previous application that would have resulted in the demolition of an employment building with its replacement located elsewhere in the site and therefore avoided the potential conflicts pedestrians and cyclists clashing with cars and delivery vehicles in a shared access arrangement. The Local Highway Authority understand the concerns but do not object because this is on private land and not the public highway. For placemaking and urban design reasons this is considered unacceptable as shown on the plans for the reasons stated in the section of the report above.
- 5.4.10 The routes shown on the Access and Movement Parameter Plan shows pedestrian routes around the perimeter of the site with the potential to link to David Fisher Way, however, the red line area of the application site does not extend to the edge of the highway to facilitate an opportunity to link to a point where a crossing point could be provided to allow for better integration into the existing settlement.

- 5.4.11 In terms of servicing, the applicant's Transport Assessment proposes an internal road layout shall be designed to accommodate refuse vehicles and emergency vehicles with turning heads provided where needed. Such details will be provided during the consideration of any future reserved matters application.

Vehicle Movements and Highway Impact

- 5.4.12 The applicant's Transport Assessment has undertaken traffic survey work and using the existing traffic information predicts there would be 129 two-way vehicle movements in the weekday AM peak, 128 two-way vehicle movements in the weekday PM peak. The applicant's Transport Assessment identifies that the development can be delivered without significant detrimental impacts to the highway network nor to the junction operations of two junctions in the area and these are the 'Scotts Hill Roundabout' located to the southeast of the site, the 'Summerhill Burnham Road Junction'. The Local Highway Authority have no objections to the vehicle movements or associated highway impacts.

Parking

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

Travel Plan

- 5.4.14 The application includes a Framework Travel Plan that sets out a range of measures to reduce single occupancy car trips to/from the development by promoting the use of sustainable modes of travel (walking, cycling and public transport) and car sharing. A Travel Plan Co-ordinator would be appointed to produce, implement, update and monitor the Travel Plan. In addition to this Residential Travel Information Pack, as also required by the Highway Authority, would be issued to each household and this includes details on walking, cycling, buses, trains, taxis, car sharing, car clubs, electric vehicle charging, school transport and travel information. The applicant's Transport Assessment also states that bus contributions shall be paid to the Transport Passenger Services at Essex County Council (ECC) along with a contribution towards school bus travel.

Local Highway Authority Consultation Response

- 5.4.15 The Local Highway Authority, at ECC, have no objection subject to conditions and obligations requiring a Construction Management Plan (CMP), access arrangements to be implemented before occupation, cycling and walking improvements to be implemented before occupation, a financial contribution of £630,000 for improvements to bus services from Maldon, Southminster and Burnham-on-Crouch, provision of an updated travel plan and an annual monitoring fee of £1,759.29 and provision of a residential travel information pack

5.4.16 Overall, subject to the mitigation as identified being secured through planning conditions and planning obligations there are no objections raised on highway grounds and 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. PPG on Flood Risk and Coastal Change also advises on the details considerations of flood risk and drainage.

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 (EA). 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 applicant's Flood Risk Assessment (FRA) identifies the topography of the land to be between 18m AOD at its lowest point in the south eastern corner to 29m AOD in the north western part of the site. The highest risk of flooding of the site is from surface water (pluvial) flooding but the FRA recognises that the site would be subject to other sources including tidal and fluvial, groundwater, sewer and artificial sources (reservoir flooding), although these have been identified to be low or at very low risk levels.

5.5.4 The majority of the site is located within a low risk flood zone, Flood Zone 1, however there is a small area of the site located towards the eastern site boundary that is located in Flood Zone 2 and there is an area to south-east corner of the site located in Flood Zone 3. Within the Flood Zone 2 area the proposal is for drainage attenuation ponds to be created and therefore no residential land uses or dwelling is proposed in this location. Within Flood Zone 3, the highest risk flood zone, the proposed pedestrian and cycle access is proposed, so the Sequential Test is required..

5.5.5 In accordance with the guidance within the PPG the Flood Risk Sequential Test shall only be required if any proposed building, access and escape route, land raise or other vulnerable element would be located subject to certain criteria. As the pedestrian and cycle access is proposed in highest risk flood zone (Flood Zone 3) the Sequential Test needs to be undertaken. Furthermore, the PPG's Flood Map shows the site is at risk from surface water flooding, which is another reason for application of the Sequential Test. In addition, the Exception Test is also required as the overall land use for residential purposes is classified as a 'more vulnerable' use.

Flood Risk, the Sequential Test and Exception Test

5.5.6 Paragraph 173 of the NPPF requires a sequential risk based approach to individual applications and paragraph 174 of the NPPF identifies that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

- 5.5.7 As required by the PPG consideration needs to be given to the catchment area of the type of development proposed. The catchment area for this residential development is considered to be Southminster.
- 5.5.8 In terms of 'reasonably available sites', as identified in the PPG, these are sites that are in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. The PPG requires that the applicant needs to identify whether there are any other 'reasonably available' sites within the area of search. The applicant's latest FRA from January 2026 has not identified any other 'reasonably available sites' as required by the PPG. The Council's Housing and Economic Land Availability Assessments (HEELA) was produced in October 2023 and lists a number of sites in Southminster that from the local authority's perspective can either be discounted as unsuitable, suitable or ones with planning permission. From those suitable sites some of these have been subject to previous planning applications and for various reasons such as refusals have not progressed. However, the applicant has not investigated these sites nor any other sites as to whether there any other 'reasonably available sites' to accord with the requirements of the PPG.
- 5.5.9 It should also be noted that the PPG makes it clear that the '*absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications*', so the Council's position in the absence of a 5YHLS is not justification for passing the Sequential Test.
- 5.5.10 In the absence of any identification of other 'reasonably available sites' the Sequential Test cannot be considered to be passed. This approach is consistent with the one taken by the Inspector at the recent Latchingdon appeal decision (ref 24/01004/OUTM).
- 5.5.11 Moving onto the Exception Test, for the 'Exception Test' to be passed the proposed development needs to provide '*wider sustainability benefits to the community that outweigh flood risk*' and demonstrate that the development will be '*safe for its lifetime*'. In terms of the first part of the Exception Test the proposal is considered to be located in a sustainable location and would provide housing, green infrastructure and biodiversity net gain, sustainable drainage systems and would create a new community that could be integrated with the existing community. For these reasons this part of the Exception Test to be passed.
- 5.5.12 The applicant's FRA identifies that the proposed vehicle access provides an alternative access arrangement for pedestrians and cyclists in the event of a flood in the location of the proposed pedestrian and cycle access. A surface water drainage strategy would also manage on site surface water run-off. The EA has no objection to the application on flood risk grounds. For these reasons the applicant's FRA demonstrates that the development will be '*safe for its lifetime*' and therefore the second part is passed.
- 5.5.13 For the reasons explained above the application is unacceptable as it does not pass the Sequential Test.

Surface Water Drainage

- 5.5.14 The proposed surface water drainage strategy shows that surface water will be attenuated on site within a sustainable drainage system prior to being discharged to the ditch network that runs along the eastern site boundary at a controlled rate to match that of a greenfield rate. The proposed sustainable drainage system would include a series of cascade swales and attenuation basins across the site. The

Illustrative Framework Masterplan shows the locations of the drainage features to the eastern side of the site. The Lead Local Flood Authority (LLFA) at ECC raise no objection to the application subject to conditions requiring a surface water drainage scheme to be approved, measures to minimise the risk of offsite flooding, details of maintenance and management arrangements and the requirement to maintain yearly logs of maintenance. All of the mitigation requirements shall be secured through planning conditions.

Foul Water Drainage

- 5.5.15 The FRA states that foul drainage for the site would be installed connecting to an existing gravity sewer at the southeastern site boundary and would then be offered to Anglian Water for adoption and maintenance.
- 5.5.16 Anglian Water have objected as the Southminster Water Recycling Centre lacks the capacity to accommodate the additional flows that would be generated by the proposed development for wastewater treatment requirements and recommend the planning permission be refused on grounds of insufficient infrastructure capacity. Anglian Water also object based on the used water network impacts but unlike the wastewater treatment requirements they recommend a condition is imposed to agree the strategic foul water strategy the used water network.
- 5.5.17 It should be noted that the recent Latchingdon appeal decision considered foul drainage with the same type of consultation response that is an objection to wastewater treatment requirements and recommend the planning permission be refused on grounds of insufficient infrastructure capacity, and an objection based on the used water network impacts but including a recommendation for a planning condition to agree the strategic foul water strategy.
- 5.5.18 Through the Latchingdon appeal process the Inspector referred to the NPPF which assumes that pollution control regimes will operate effectively, and the PPG explains that a 'Grampian style' condition should be used preventing occupation until the foul drainage system is connected to the existing infrastructure. The Inspected accepted that a foul drainage condition could be imposed as the appellant had provided evidence of potential alternative solutions to manage foul water from the development unless and until there was sufficient capacity available within the public network, which offered further scope for a solution. It is considered a similar approach can be used with this application, that is to require the submission of a strategic foul water strategy for the development.

Conclusion to this section

- 5.5.19 Overall, the application has not provided sufficient information to demonstrate that the Flood Risk Sequential Test has been passed. Consequently, for this reason the application is unacceptable and contrary 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.

On Site Ecology and Biodiversity Net Gain

- 5.6.3 The applicant's Ecological Impact Assessment identifies that surveys from the site have the potential to support breeding and wintering birds, Great Crested Newts, water vole, foraging and commuting bats, roosting bats, hedgehog and badger. The applicant's Ecological Impact Assessment explains that in regard to protected species there were limited signs of water vole due to the quality of the ditch; there wasn't functional habitat for wintering birds; there were recordings of breeding skylarks, yellow hammer and cuckoo were recorded; there are bat assemblage confirmed to be using the site and wider area but the hedgerows and trees were not identified for foraging and commuting bats. In respect of bats, it is recommended that protection measures should be implemented to protect trees during development and ecologically sensitive lighting design would need to be developed at the detailed design stage. Due to the presence ponds within 250m of the site it was not possible to rule out the potential suitability for Great Crested Newts so the applicant has advised that a District level licence shall be applied for to mitigate the potential impact upon Great Crested Newts. The applicant's Ecological Impact Assessment also recommends that a Landscape and Ecological Management Plan should also be produced to ensure the habitats on site are managed/created to deliver the appropriate conditions and biodiversity improvements.
- 5.6.4 With regard to Biodiversity Net Gain, the application proposes a potential 11% biodiversity gain which can be achieved through the reserved matters stage.
- 5.6.5 Place Services Ecology recommend approval of the application subject to planning conditions being secured to require ecological appraisals mitigation to be implemented, a licence for Great Crest Newts mitigation, a CEMP, Habitat Management and Monitoring Plan, Biodiversity Enhancement Strategy, wildlife sensitive lighting design scheme, delivery of on site measures in line with a Habitat Regulation Assessment (HRA), and a Biodiversity Net Gain condition.

European Designated Sites

- 5.6.6 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including MDC, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.
- 5.6.7 The LPA is therefore required to prepare a project 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.

- 5.6.8 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 Zone of Influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 249no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? Yes, the proposal is for 249no. dwellings

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

Summary of Appropriate Assessment

- 5.6.9 As the answer is a 'yes' within HRA Stage 2 then in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) the Local Planning Authority, as the competent authority, has to undertake the HRA Appropriate Assessment and has as set out below:
- 5.6.10 The development is for up to 249 dwellings within the 22km Zol of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Foulness SPA and Ramsar site, Essex Estuaries Special Area of Conservation (SAC), Crouch and Roach Estuaries SPA and Ramsar site and Dengie SPA and Ramsar site. Within this ZOI, residents of new housing are considered likely to regularly visit relevant designated sites for recreation. The application is considered by MDC to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects on site integrity.
- 5.6.11 The developer has confirmed and agreed that the following will be incorporated within the development, as set out within the submitted Shadow HRA (Geosphere Environmental, November 2024).
- High-quality, informal, semi-natural areas for recreational purposes within the proposed green infrastructure design.
 - Based on 249 new residential units, 598 Residents (2.4 person per household) and 74.7 dogs (based on Kennel Club figures for 30% households owning a dog) are likely to occupy the development. Natural England advises that large scale developments should ideally contain 8ha of Suitable Accessible Natural Green Space (SANGs) per 1000 residents, in line with Thames Basin Heath Guidance. Therefore, 4.5ha of SANGs would ideally be required to be demonstrated.

- The applicant has identified that 4.18ha of semi natural public open space including Sustainable Urban Drainage Systems (SUDs) will be delivered in the Framework Masterplan (fabrik, April 2025), as well as circular walking routes throughout the site. Therefore, the Council considers that this will appropriately provide suitable natural greenspace for this application.
- Prior to occupation on-site measures will be secured by a planning obligation to include long-term management and maintenance of these provisions.

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 therefore, the developer contribution should be calculated at this figure. For this application a financial contribution of £42,193.05 is required based on the current tariff applied for RAMS mitigation.

5.6.13 Natural England have no objection subject to the appropriate mitigation to address the recreational disturbance impacts of development alone and in-combination, on the Essex Coast SPAs, being set out and delivery secured through an HRA Appropriate Assessment as identified.

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

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

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

Conclusion to this section

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

5.7 Impact on Neighbouring Amenity

5.7.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.

5.7.2 The nearest residential property to the site is known as the ‘Witchards’ and is located along Scotts Hill directly to the south of the site. This property has a garden that backs onto the site. Directly to the north of the garden the Parameter Plans and Illustrative Masterplan shows there would be an area of green space and landscaping with the proposed location of future housing located further into the site and sufficiently distant (38.5m) from this residential property. It is recognised that the impact of the development would experience a significant change and would result in

some harm to amenities of the occupiers of the dwelling when compared to the current appearance in this location.

- 5.7.3 To the west of the site is a dwelling at 42 Scotts Hill which is set off the site boundary by approximately 20m and this would be sufficient distant from the from the areas of the proposed built development as shown on the Parameter Plans with an area of green infrastructure and landscaping in between. It is recognised that the impact of the development would experience a significant change and would result in some harm to amenities of the occupiers of the dwelling when compared to the current appearance in this location.
- 5.7.4 All other residential properties and their receptors are located on the eastern side of David Fisher Way, the nearest being 14m from the site boundary, but all of these properties are considered sufficiently distant from the site.
- 5.7.5 In terms of the future built form of the development that could lead to a loss of privacy, overlooking, outlook, visual impact, daylight and sunlight issues, this would be considered in more detail at the reserved matters stage.
- 5.7.6 The proposal would give rise to more activity in the area and noise and disturbance. The applicant's Noise Acoustic Appraisal states that there are existing noise levels generated by traffic movements on Scotts Hill and David Fisher Way, and from the existing employment uses and adjacent to the south east corner of the site. The report identifies the extensive buffer along the southern and south eastern site boundary will help minimise traffic noise from the employment uses. It states that the noise levels are not unreasonably high or at a level which raises concerns. The conclusions of the applicant's Noise Acoustic Appraisal states that 'the site is suitable for residential development, and that current and future noise levels can be appropriately mitigated through adherence to a good acoustic design processes at the reserved matters stage'. The Council's Environmental Health Officer has no objection subject to conditions requiring a scheme to protect dwellings and noise sensitive users from external noises sources. This will then ensure compliance with the requirements of policies D1 and D2 of the LDP.
- 5.7.7 The proposal would result in the need to consider the 'agent of change principle' and paragraph 200 of the NPPF is applicable, which states:
- 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.*
- 5.7.8 The main issue that could affect the future residential amenities of the site is whether there would be noise and disturbance for the associated activities of the existing businesses located to the southeast of the site. These businesses include a tanning use, boutique and beauty use, and a building management company which are considered light industrial uses. Given the applicant's Noise Acoustic Appraisal has considered the impact of these businesses upon the site and recommends that mitigation measures are considered such as screening and upgraded glazing and ventilation at the proposed dwellings, which shall need to be agreed through conditions at the same time at the future reserved matters. As identified the Council's Environmental Health Officer has no objections subject to conditions, it is considered that the proposal would not impact upon the day-to-day business operations of the

neighbouring businesses located to the southeast of the site. Therefore, the proposal would not give rise to a significant adverse effect on future residents of the proposal.

5.7.9 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.

5.7.10 The information provided at this stage for an outline application is sufficient and but the two residential properties immediately adjacent to the site to the south (Witchards) and to the west (42 Scotts Hill) would experience a significant change and would result in some harm to amenities of the occupiers of the dwelling when compared to the current appearance in this location. This harm is given moderate weight but is not considered alone or combination with other considerations to be unacceptable having regard to policies D1 and D2 of the LDP.

5.8 Other Matters

Heritage and Archaeology

5.8.1 There are no heritage assets on site. The applicant's Built Heritage Statement identifies that the nearest heritage assets include a group of four Grade II listed buildings that are 300m south of the site. The proposal is not considered to affect the setting or significance of these identified listed buildings and their special interest would remain preserved.

5.8.2 As an undeveloped field the site has potential for archaeological deposits and the applicant's Archaeological Desk Based Assessment recommends that an archaeological evaluation, comprising geophysical surveying and trial trenching should be undertaken to clarify the presence or absence, character, and significance of archaeological evidence within the Study Site. Such an evaluation can be secured by a planning condition. Place Services Archaeology raise no objections subject to conditions requiring archaeological assessment and the implementation of a fieldwork programme.

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 Construction Environmental Management Plan (CEMP). This will then ensure compliance with the requirements of policies D1 and D2 of the LDP.

Ground Conditions and Contamination

5.8.5 With regard to ground conditions and contamination, the applicant's Preliminary Risk Assessment did not identify any potential areas concern and concluded that the site is likely to be suitable for the proposed development. The applicant's Preliminary Risk Assessment recommends further intrusive investigations, shallow boreholes and trial pits that should be undertaken to quantify any risks and mitigation. The applicant then undertook site investigations through the Phase 2 Contamination Assessment and this did not identify any matters of concern which cannot be resolved or mitigated at the construction stage. Neither the Council's Environmental Health Officer nor the

EA have raised objections and therefore the proposal would not be contrary to policy D2 of the LDP.

Health Impact

- 5.8.6 Policy E3 of the LDP seeks to enhance the provision of community services and development proposals for improved provision of community services and facilities in a local area will be encouraged. Policy I2 of the LDP requires residential developments of 50 dwellings or more to undertake a Health Impact Assessment and where significant impacts are identified measures to meet health service requirements of the development are provided or secured by planning obligations.
- 5.8.7 The applicant's Health Impact Assessment concludes that the proposed development would not raise any significant adverse impacts in respect of public health and states that any negative impacts upon existing local health services provision can be mitigated through appropriate financial contributions. Reference is made to the existing William Fisher Medical Centre operating with a single GP with a significantly higher number of patients than the regional average. The consultation response from the NHS raises no objection subject to a financial contribution of £123,600 towards local healthcare improvements which would be secured through a planning obligation in a S106 legal agreement.
- 5.8.8 It should be noted that close to the site a planning application (ref. 22/01005/FUL) for a new medical practice with dispensary retail unit and other ancillary uses and development was granted planning permission 28 July 2023. Whilst this permission is still live until 28 July 2023 there is no indication as to whether this development is to be built and used by the NHS. However, for purposes of mitigating the impact of the proposed development subject of this planning application, in terms of its new population at the site, the NHS are seeking a financial contribution as set out above.
- 5.8.9 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E3 and I1 of the LDP.

Education and Infrastructure

- 5.8.10 Policy E6 of the LDP identifies that the Council will work with partners such as Essex County Council'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.
- 5.8.11 Essex County Council's (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:
- 5.8.12 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 22.4 EY&C places and Essex County Council will be seeking an index linked financial contribution of £447,753.60.
- 5.8.13 For Primary Education the consultation response states that '*according to forecasts for the Burnham and Southminster area (Maldon Primary School Planning Group E), set out in the Essex Education 10 Year Plan, there will only be one reception cohort with unfilled places over the period ending 2034/35 if action is not taken*'. The

demand generated by this development would require 74.7 primary school places and ECC will be seeking an index linked financial contribution of £1,493,178.30.

- 5.8.14 For Secondary Education the priority admission area secondary school for Southminster is Ormiston Rivers Academy. The consultation response states *‘that The combined forecast for the area, set out in the 10 Year Plan, suggests a potential deficit in provision for some cohorts’*. The demand generated by this development would require 49.8 secondary school places and an index linked financial contribution of £1,369,101.60. In addition, the proximity of the site to the nearest Secondary School, is deemed as unavailable to be walked, therefore, ECC will be seeking an index linked school transport contribution toward Secondary School Transport of £296,160.60.
- 5.8.15 For post 16 education ECC do not require a financial contribution but in accordance with the ECC Developers’ Guide to Infrastructure Contributions (Revised 2023), an Employment and Skills Plan (ESP) should be prepared to set out how the developer will engage with and maximise local labour and skills opportunities.
- 5.8.16 In terms of other infrastructure other than education ECC are 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 £19,372.20 to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services.
- 5.8.17 ECC are also seeking monitoring fee of £700 per obligation.
- 5.8.18 The provision of the contributions would mitigate the impact of the development to ensure compliance with policies E6 and I1 of the LDP.

Delivery Strategy

- 5.8.19 The applicant’s Planning Statement makes reference to a Delivery Strategy that identifies that the applicant would build out the scheme at a delivery rate of 65 dwellings per year.

Statement of Community Involvement

- 5.8.20 The applicant’s Statement of Community Involvement identifies that consultation was to take place including newsletters distributed to local residents within 1km of the site, a stakeholder meeting, details on a website from 19 November 2024 and a press statement release.

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 S106 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 three reasons based on inadequate information to mitigate the impact of the previous development and therefore not secured through a S106 legal agreement.

3. 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.
4. 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 bus services, the completion management and maintenance of the public open space, provision of necessary contributions towards health care, community facilities, primary and secondary school places, and library improvements, 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.
5. 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 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, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the 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:

- 30% affordable housing with a tenure split of 75% affordable red and 25% intermediate housing.
- A financial community contribution of £500,000 towards the delivery of the new multi use community pavilion and club house at King George V Memorial Hall. Additional contributions towards the Skate Park project and improvements to the existing Locally Equipped Area for Play (LEAP) to be agreed with Parish Council.
- Highway contributions to cover enhanced bus services and travel plan monitoring.

- A financial contribution of £20,000 for the delivery of a Local Culvert Bridge to be agreed with Essex County Council and Parish Council.
- RAMS contribution index linked.
- Education, Early Years, Childcare and Secondary School Transport Contributions to be agreed with Essex County Council.
- Library Contribution to be agreed with Essex County Council.
- Provision and implementation of an Employment and Skills Plan to be agreed with Essex County Council.
- Contribution to NHS Mid and South Essex Integrated Care Board to support the delivery of the new Medical Centre.
- Open Space and Play Space Delivery and Management Arrangements.

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

Affordable Housing

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

Education

No objection subject to financial contributions being secured through planning obligations as follows:

Early Years and Childcare - £447,753.60

Primary Education - £1,493,178.30

Secondary Education - £137,460

School Transport - £296,160.60

Libraries - £19,372.20

Monitoring fee - £700 per obligation

Highways

No objection subject to a financial contribution of £630,000 for improvements to bus services from Maldon, Southminster and Burnham-on-Crouch,

Provision of an updated travel plan and an annual monitoring fee of £1,759.29

NHS Contribution

No objection subject to a financial contribution of £123,600 towards local healthcare improvements

Essex RAMs

Currently £169.45 (2025-2026 figure) which would be £42,193.05.

5.9.7 Other obligations as offered by the applicant as follows can also be secured:

- Community contributions towards the delivery of the new multi use community pavilion and club house at King George V Memorial Hall. Additional contributions towards the Skate Park project and improvements to the existing LEAP to be agreed with Parish Council.
- Contribution to Local Culvert Bridge delivery to be agreed with Essex County Council and Parish Council.
- Provision and implementation of an Employment and Skills Plan to be agreed with Essex County Council.
- Open Space and Play Space Delivery and Management Arrangements.

5.9.8 The applicant's agreement to the S106 legal agreement would secure the necessary mitigation and would address the reasons of refusal. However, this agreement has not been reached and therefore in the absence of an agreed S106 legal agreement the application is unacceptable.

6. ANY RELEVANT SITE HISTORY

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

- **23/00249/OUTM** - Outline planning application with all matters reserved except for primary means of access from Scotts Hill, for the development of up to 249 dwellings, public open space, together with associated, landscaping, highways, drainage and other infrastructure works - Refused – 25.01.2024
 1. The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing and employment in the District. The development is therefore contrary to Policies S1, and S8 of the Maldon District Local Development Plan (2017).
 2. The proposed development is not well related to and does not integrate with the existing settlement and as a result it would compromise the identity of Southminster to the detriment of the rural character of the area contrary to policy S1 part 12 and policy D1 of the Maldon District Local Development Plan (2017).
 3. 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.
 4. 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 bus services, the completion management and maintenance of the public open space, provision of necessary contributions towards health care, community facilities, primary and secondary school places, and library improvements, 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.
 5. 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 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, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the NPPF.

- 6.2 Although there is no recorded planning history for the site itself, the Inspector's decision on application OUT/MAL/14/00613 pursuant to which the adjacent David Wilson Homes development has been constructed is of relevance, particularly with regards to landscape considerations (see Section 5.3 above).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend refusal for the following reasons: <ul style="list-style-type: none"> It has not been identified in the Local Housing Supply. Outside settlement boundary. It is not well related and does not connect with the settlement. It is detrimental to the rural character. Policies S1, S12 and D1. 	Please see section 5 of the report
Burnham-on-Crouch Town Council	No response	No comment
Tillingham Village Council	No response	
Althorne Parish Council	Recommend refusal as the site is outside of the settlement boundary, traffic concerns and lack of infrastructure	Please see section 5 of the report
Bradwell on Sea Parish Council	No response	No comment
Latchingdon Parish Council	Recommend refusal as the proposal is contrary to LDP policies S1, S2, and S8, as it is not part of the strategic allocation. It is contrary to the LDP due to the lack of supporting infrastructure such as doctors, school places and transport links and being built of agricultural land	Please see section 5 of the report
St Lawrence Parish Council	No objection	No comment
Steeple Parish Council	No response	No comment
Mayland Parish Council	Recommend refusal for the following reasons: <ul style="list-style-type: none"> Outside the settlement boundary Infrastructure not in place for this many new houses The proposed access onto Scotts Hill is very dangerous. Most traffic from 	Please see section 5 of the report

Name of Parish / Town Council	Comment	Officer Response
	<p>residents will try and turn right out of the development, meaning having to cross a lane of oncoming traffic which could result in accidents.</p> <ul style="list-style-type: none"> • Existing nearby application 23/01244 out to appeal so to consider a further application would not be wise • Healthcare, drainage, sewerage, transport, education concerns if this development were to be approved. • Overload of traffic and people in the Dengie area. Only 2 roads accessing the Dengie which can get gridlocked • Doctors surgery planned for existing development on David Fisher Way has still not been built 	
North Fambridge Parish Council	No response	No comment
Asheldham and Dengie Parish Council	<p>Objects for the following reasons:</p> <ul style="list-style-type: none"> • Development outside the settlement boundary on good agricultural land • Proposed access is very dangerous • Development does not represent sustainable development, homes will not be built to net zero homes standard • Would need to provide 10% biodiversity net gain • Education, the area has struggled to extend education capacity of existing schools, with pupils sent out of the local area for education • The nearest hospital at Broomfield is a significant distance away. The plans for the new surgery at David Fisher way has still not been built • Unwise to approve this given the appeal for ref 23/01244 • Asheldham Brook Bridge is directly affected by the development, ECC Highways has failed to consider any improvements to the bridge. 	Please see section 5 of the report
Chelmsford City Council	No response	No comment

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	Object as the Southminster Water Recycling Centre lacks the capacity to accommodate the additional flows that would be generated by the proposed development for wastewater treatment requirements and recommend the planning permission be refused on grounds of insufficient infrastructure capacity. Also, object based on the used water network impacts.	Please see section 5.5 of the report
Environment Agency	No objection	No comment
Essex County Fire and Rescue Service	Advise on the need to ensure pumping appliances and high reach equipment can access the site and to ensure requirements of the Building Regulations are achieved.	This is a no objections point as the Building Regulations will deal with the actual construction of dwelling requirements
Essex County Council Development and Flood Risk Officer	No objection subject to conditions requiring a surface water drainage scheme to be approved, measures to minimise the risk of offsite flooding, details of maintenance and management arrangements and the requirement to maintain yearly logs of maintenance	Please see section 5.5 of the report
Essex County Council Education and Infrastructure Officer	No objection subject to financial contributions being secured through planning obligations as follows: <ul style="list-style-type: none"> • Early Years and Childcare - £447,753.60 • Primary Education - £1,493,178.30 • Secondary Education - £1,369,101.60 • School Transport - £296,160.60 • Libraries - £19,372.20 • Monitoring fee - £700 per obligation • An Employment and Skills Plan for post 16 education should be prepared 	Please see section 5.8 of the report
Essex County Council Highways	No objection subject to conditions and obligations requiring a Construction Management Plan (CMP), access arrangements to be implemented before occupation, cycling and walking improvements to be implemented before occupation, a financial contribution of £630,000 for improvements to bus services from Maldon, Southminster and Burnham-on-Crouch, provision of an updated travel plan and an annual monitoring fee of £1,759.29	Please see section 5.4 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	and provision of a residential travel information pack	
Essex Police – Designing Out Crime	It is recommended that designing out crime and secured by design is achieved, along with consideration of traffic management considerations and zero emission fleet and infrastructure strategy	A secured by design condition could be imposed if necessary
Natural England	No objection subject to appropriate mitigation to address the recreational disturbance impacts of development alone and in-combination, on the Essex Coast SPAs, being set out and delivery secured through an HRA Appropriate Assessment.	Please see section 5.6 of the report
NHS England	No objection subject to a financial contribution of £123,600 towards local healthcare improvements	Please see section 5.8 of the report
Place Services Archaeology	No objection subject to conditions requiring archaeological assessment and the implementation of a fieldwork programme	Please see section 5.8 of the report
Place Services Ecology	Recommend approval subject to conditions requiring ecological appraisals mitigation to be implemented, a licence for great crest newts mitigation, a CEMP for biodiversity, Biodiversity Enhancement Strategy, wildlife sensitive lighting design scheme. Two optional conditions, one for a Habitat Management and Monitoring Plan linked to the Biodiversity Net Gain, and the second for delivery of on site measures in line with HRA. Recommend a Biodiversity Net Gain condition or could be added as an informative. Essex RAMs payment of £169.45 per dwelling is required and therefore this will be up to £42,193.05	Please see section 5.6 of the report
Tree Consultant	Support subject to conditions requiring soft landscaping to be agreed and the retention and protection of existing trees on the site	Please see section 5.3 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions requiring a scheme to protect dwellings and noise sensitive users from external noises sources,	Please see section 5.7 of the report
Housing	Support subject to affordable housing being secured for 30% affordable housing and a tenure mix of 75% affordable/social rented and 25% intermediate affordable housing.	Please see section 5.1 and 5.2 of the report
Principal Place Officer	Object on grounds of a lack of connectivity to the existing settlement edge and direction of travel eastwards to local facilities and	Please see section 5.2 of the report

Name of Internal Consultee	Comment	Officer Response
	services in the centre of the village.	
Waste Management	No response	No comment

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 79 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
No schools. The local infant schools are full as are secondary schools. There is no available childcare facilities with spaces either	Please see education considerations in section 5.8 of the report
No doctors. The doctor's surgery is already over full capacity	Please see healthcare considerations in section 5.8 of the report
No new hospital	Please see healthcare considerations in section 5.8 of the report
No new road	Please see highway considerations in section 5.4 of the report
Local infrastructure is insufficient	Please see infrastructure considerations in section 5.8 of the report
Roads overcrowded	Please see highway considerations in section 5.4 of the report
No cycle or pedestrian friendly	Please see highway considerations in section 5.4 of the report
More traffic on the roads	Please see highway considerations in section 5.4 of the report
Do not have adequate roads into and out of this village	Please see highway considerations in section 5.4 of the report
There is insufficient parking, throughout the village and inadequate parking allocated	Please see highway considerations in section 5.4 of the report
Outside of settlement boundary where policies of restraint apply	Please see principle of development considerations in section 5.1 of the report
The proposed development is not well related to and does not integrate with the existing settlement	Please see landscape impact considerations in section 5.3 of the report
The site creates an incongruous development in the countryside and would be overbearing when approaching the village from the north	Please see landscape impact considerations in section 5.3 of the report
The southern part of the site by virtue of its remoteness is not sustainable	Please see principle of development considerations in section 5.1 of the report
Lack of drainage infrastructure and water supply	Please see flood risk and drainage considerations in section 5.5 of the report
No employment - further development will make this village a commuter 'town'	No comment, as this is an opinion
Flooding issues	Please see flood risk and drainage considerations in section 5.5 of the

Objection Comment	Officer Response
	report
Train is a branch line and are already overcrowded	No comment, as this is an opinion
Insufficient infrastructure - highways	Please see highway considerations in section 5.4 of the report
All the extra traffic will impact on the carbon footprint and air quality in Southminster	Please see highway considerations in section 5.4 of the report
Loss of agricultural land	Please see principle of development considerations in section 5.1 of the report
Don't need any additional houses	Please see principle of development considerations in section 5.1 of the report
Overdevelopment	Please see the design considerations in section 5.3 of the report
Lack of local employment	Construction process would provide employment
Outside of the village	Please see principle of development considerations in section 5.1 of the report
Not enough fire service in the area	The Fire Service have not raised any objections to the application
The village has minimal shopping facilities, providing only the basics	Please see principle of development considerations in section 5.1 of the report
Loss of wildlife	Please see ecology considerations in section 5.6 of the report
Dengie is not pedestrian or cycle friendly	No comment, as this is an opinion
Impact upon the amenity of nearby properties	Please see ecology considerations in section 5.6 of the report
Fails to protect the intrinsic value of the landscape	Please see landscape impact considerations in section 5.3 of the report
Light, Noise and Air Pollution	Environmental Health have no objections to the application

7.4.2 **One** letter received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The Dengie needs more housing	Please see principle of development considerations in section 5.1 of the report
The green spaces looks good	No comment to make

8. REASONS FOR REFUSAL

1. The proposed indicative housing mix would not meet the current and future housing needs of the District as set out in latest Maldon District Local Housing Needs Assessment (LHNA 2025) along with the Council's own Technical Advice Note (TAN). Consequently, the current and future population of the District would not have access to the type of housing that is needed. As such the proposal is considered unacceptable and contrary to policy H2 of the

Maldon District Local Development Plan and contrary to the guidance contained in Chapter 5 of the NPPF and PPG.

2. The proposed development is not well related to and does not integrate with the existing settlement and as a result it would not achieve connectivity and permeability linkages with the existing settlement in placemaking terms and would appear disconnected and detached from the existing settlement. Furthermore, the proposed pedestrian and cyclist path to the southeastern corner of the site would use an existing shared access arrangement with the employment site, and this would lead to potential conflicts with pedestrians, cyclists and vehicles using this area, particularly through any lorry movements or vans serving the employment site. As such this is considered contrary to policy S1, D1 and T2 of the Maldon District Local Development Plan, Maldon District Design Guide CO1 and the guidance contained with Chapters 8 and 9 of the NPPF.
3. Insufficient information has been provided by the applicant to demonstrate that a list of other 'reasonably available sites' have been considered for the purposes meeting the PPG requirements for the Flood Risk Sequential Test. Consequently, in the absence of this information the Flood Risk Sequential Test cannot be considered to have been passed and as a result the proposal is contrary to the guidance within the NPPF/PPG and is contrary to policy D5 of the Maldon District Local Development Plan.
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal fails 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 support 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.
5. 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 bus services, the management and maintenance of the public open space, provision of necessary contributions towards health care, community facilities, primary and secondary school places, and library improvements, the impact of the development on existing services and provision 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.
6. 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 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, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the NPPF.

Application plans/documents:

- D3069-FAB-00-XX-DR-Y-042 Rev 06 – Green Infrastructure Parameter Plan
- D3069_041 Rev 08 – Access & Movement Parameter Plan
- D3069-FAB-00-XX-DR-Y-040 Rev 06 – Density Parameter Plan
- D3069-FAB-00-XX-DR-Y-039 Rev 06 – Building Heights Parameter Plan
- D3069-FAB-00-XX-DR-Y-038 Rev 06 – Land Use Parameter Plan
- Comparison of Refused and Current Proposal Drawing
- 2103430-003 Rev I – Proposed Access
- D3069-FAB-00-XX-DR-Y-043 Rev D106 – Red Line Plan
- D3069-FAB-00-XX-Y-1007 Rev 25 – Framework Masterplan
- D3069_1024 – Illustrative Landscape Proposal
- D3069_1026 – Illustrative Landscape Proposal
- Planning Statement and Addendum
- Design and Access Statement
- Agricultural Land Classification Assessment
- Archaeological Desk Based Assessment
- Bat Survey
- Biodiversity Net Gain ('BNG') calculations
- Built Heritage Statement
- Draft s106 Heads of Terms
- Ecological Impact Assessment
- Flood Risk Assessment
- Ground Investigation Survey and Risk Assessment
- Habitat Regulations Assessment
- Health Impact Assessment and Mitigation Assessment
- Landscape and Visual Impact Assessment
- Noise Acoustic Appraisal
- Transport Assessment
- Travel Plan
- Tree Survey Review
- Statement of Community Involvement