



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
15 JULY 2026**

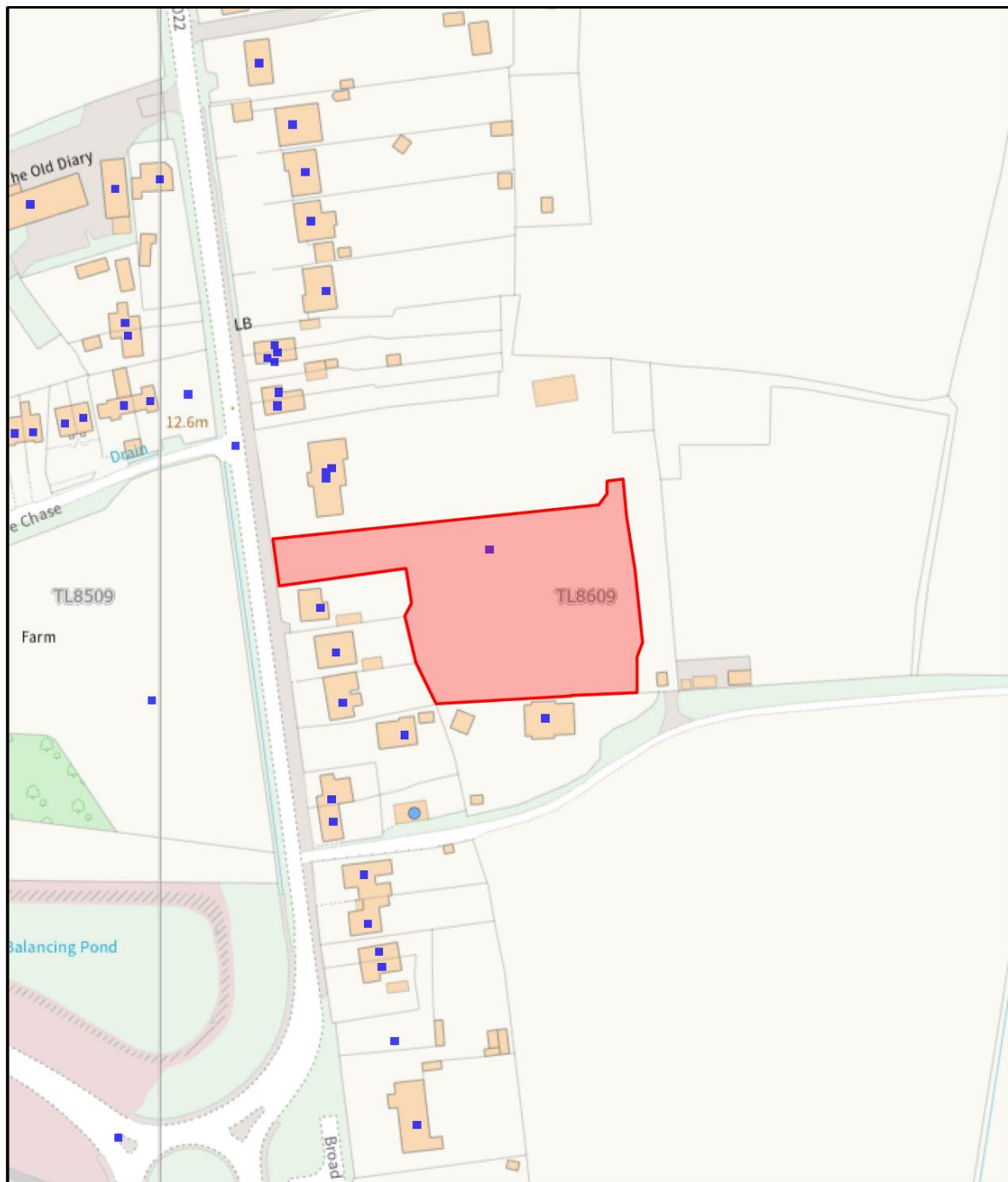
Application Number	25/00389/OUT
Location	Land Rear Of 53 And 55, Broad Street Green Road, Great Totham, Essex
Proposal	Outline planning permission for 7no. detached dwellings with details of associated vehicular access, layout, appearance and scale included, with the matter of landscaping reserved.
Applicant	Mr Colin Sandy - Smallfields Estates Limited
Agent	Mr Harrison / Sam Eales / Barden - Your Plans UK
Target Decision Date	17/07/2026 (Extension of Time)
Case Officer	Gareth Ball
Parish	Great Totham
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary.

1. RECOMMENDATION

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

2. SITE MAP

Idox Uniform



6/30/2026, 1:44:58 PM

DC Case Points



F



GMS BLPUs



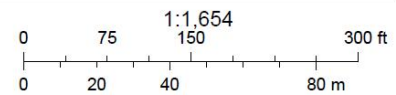
Parish Polygon



Ward Polygon



OS Grid Tiles 1km



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

The site and surroundings

- 3.1.1 The application site (hereon referred to as the “Site”) is a c. 0.5ha plot of land located on the eastern side of Broad Street Green Road (BSGR) between, and to the rear of, No. 53. The Site is currently in use as residential garden of No. 53 BSGR and extends across the rear of No’s 55, 57 and 59 BSGR. The land to the east is paddocks (which were incorporated into the Site of the previous application) and open countryside. The Site is largely grassland. There is a single-storey building at the rear of the northeast of the Site, and there is an existing orchard in the southwestern corner of the site together with two rows of conifer trees running perpendicular to each other.
- 3.1.2 The Site is accessed from BSGR. Sains Drive, a private drive shared with a public footpath (20, Great Totham), runs along the southern boundary of the rear part of the site. There is an existing gated access from the site onto Sains Drive.
- 3.1.3 The development is located within Flood Zone 1 and does not contain any trees subject to Tree Preservation Orders.
- 3.1.4 There are multiple heritage assets on nearby Poplar Grove Chase to the east, including the following grade II listed heritage assets: Poplar Grove Farmhouse, wheel pump, stable, and cart lodge.
- 3.1.5 Public Right of Way (PRoW) 20 runs south of the Site, separated by residential development.
- 3.1.6 The Site lies outside the settlement boundary of Heybridge, which is c. 600m to the south terminating on BSGR. The surrounding area is typified by detached/semi-detached housing on open plots fronting onto the eastern side of BSGR, with open countryside to the east of that. The western side of BSGR has further housing to the north of Poplar Grove Chase, with the Heybridge Garden Suburb site (sites ref S2(d) and S2(f) in the Local Plan) located to the south of Poplar Grove Chase.
- 3.1.7 Development along the eastern side of BSGR comprises predominantly ribbon development, with the occasional development at depth, such as no. 69 BSGR, to the south of the site and Northlands farm approximately 110 metres to the north of the site.

Call For Sites

- 3.1.8 The Site forms the western half of a wider site (that of the previously refused application 23/00110/FULM) which was considered in the Council’s ‘Call For Sites (CFS)’ process as part of the withdrawn draft Local Plan Review in the Housing Economic Land Availability Assessment (HELAA). The Site’s reference is GTHS3. The CFS considered the Site for 34 dwellings plus additional children’s play facility. The assessment in the October 2023 HELAA concluded that the site would be suitable; however, this conclusion was amended following the issuing of the refusal 23/00110/FULM. The up-to-date conclusion on the suitability of site GTHS3 is as follows:

“On balance it is considered that development of the site would not be suitable. Whilst it is located nearly opposite to the Heybridge Garden Suburb and can be

accessed safely. There is a pavement on Broad Street Green and bus stops so that services and facilities can be accessed in Maldon/Heybridge either by foot or public transport. There will be services and facilities on the garden suburb site and Maldon and Heybridge which potential residents could use including the primary and secondary school and medical facilities. Providing the boundary treatments are retained on the site, there may be no or little impact on. The impact on the landscape and the character of the countryside would outweigh the other benefits of the site, this was demonstrated by the planning refusal for a much lower amount of housing than submitted with the Call for Sites submission.”

- 3.1.9 CFS site GTHS2 is directly opposite the application Site, on the western side of BSGR bounded by Poplar Grove Chase to the north and the strategic garden suburb to the south. This site does not have the same landscape constraints as the application Site and the CFS concluded that site to be suitable for the development of nine dwellings, stating:

“On balance it is considered that development of the site would be suitable. it is located adjacent to the Heybridge Garden Suburb and can be accessed safely. There is a pavement opposite the site and bus stops so that services and facilities can be accessed by foot or public transport. There will be services and facilities on the garden suburb site which potential residents could use. There may be some harm to the heritage assets to the rear of the site but this could be mitigated against through design. Providing the boundary treatments and wooded area are retained on the site, less the provision of an access may provide a gain of biodiversity. There will be no wider impact on the townscape or landscape. The only concern with the site would be the timing of it coming forward, it is further out of the settlement than the garden suburb and the larger portion of this has not started yet, it would be more appropriate if that site was quite well established before this site was brought forward, or it would be quite isolated from the a main settlement.”

- 3.1.10 An application was refused on the site GTHS2 under reference 23/00121/FULM due to the site being outside the settlement boundary and proposing an excessive height of dwelling, a lack of affordable housing, harm to the grade II listed Poplar Grove Farmhouse, and insufficient information on highway safety in relation to the new access and Recreation Disturbance Avoidance Mitigation Strategy (RAMS) payments.
- 3.1.11 The CFS process is an early-stage and high-level review. As such, officers have given limited weight to the conclusions in considerations.

4. RELEVANT BACKGROUND AND PLANNING

HISTORY

- 4.1 The relevant planning application or appeal history on the Site is provided below:

Application Number	Description	Decision
02/00329/FUL	At No. 53: Convert integral garage into habitable rooms and erect detached garage and garden store in rear garden	Approved 09.04.2002
03/00968/FUL	Construction of stable block and change of use of land for the keeping of horses.	Approved 17.02.2005
15/00041/FUL	Proposal to demolish 53 & 55 Broad Street Green Road and replace with 4no. new	Approved 11.03.2015

Application Number	Description	Decision
	dwelling. Remove 3no. existing access to the highway and replace with a single access to serve the proposed dwellings.	
23/00110/FULM	Nine detached dwellings and garage annexes together with associated drainage infrastructure, vehicular access, roads, parking and landscaping.	Refused 28.09.2023

4.1.1 An application (app reference 23/00110/FULM), hereon referred to as the Refusal Application, seeking permission for nine residential units on this Site was refused permission on 28 September 2023 for the reasons summarised below:

1. Introduction of residential development beyond a settlement boundary, resulting in visually prominent development which urbanises the area, causing harm to the character and beauty of the countryside.
2. Inadequate provision of affordable housing (in the absence of a s106 legal agreement to secure it).
3. Insufficient information to demonstrate that the proposal would be acceptable in terms of flood risk.
4. Unacceptable impact on the European protected ecology sites (in the absence of a s106 legal agreement to secure required RAMS contributions).
5. The proposed nine four-bedroom dwellings and low density of development would not make the most efficient use of land.

4.1.2 The full reasons for refusal of the Refusal Application are as follows:

1. The site is located outside of a defined settlement boundary where rural policy constraints apply. By virtue of the layout of the existing built form and the relationship of the site to the development to the north, south, and east of the site, the amount and scale of built form proposed, and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the Site and cause harm to the intrinsic character and beauty of the open countryside. The proposal has not considered the context within which it will sit, and a development of this quantum and scale is not acceptable. The proposal is therefore contrary to Policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (LDP) (2017), Policy GT01 of the Great Totham Neighbourhood Development Plan (2022), and the policies and guidance contained in the National Planning Policy Framework (NPPF).
2. 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 LDP and the policies and guidance contained within the NPPF.
3. Insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of flood risk and how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems. The proposal is contrary to the policies contained within Policy D5 of Maldon District LDP (2017) and the policies and guidance within the NPPF.

4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards the Essex Coast RAMS has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, and N2 of the Maldon District LDP (2017) and the policies and guidance within the NPPF
5. The provision of 9no. four bedroom dwellings (seven of which have an additional bedroom in annexe accommodation) together with the low density of development, at six dwellings per hectare, does not make the most efficient use of land taking account of the identified housing need as identified in the Council's Local Housing Needs Assessment (LHNA) (2021) or the area's prevailing character contrary to Policies H2 and H4 of the Maldon District LDP (2017) and the policies and guidance within the NPPF.

Relevant Offsite Planning History

- 4.1.3 Some of the objections that have been received refer to an August 2023 refusal on the opposite side of the road for nine dwellings (ref 23/00121/FUL). That application was refused for five reasons, summarised below:
 1. The site is located outside of a defined settlement boundary where rural policy constraints apply. By virtue of the layout of the existing built form and the relationship of the site to the development to the north, south, and east of the site, the excessive height of the dwellings proposed, and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside.
 2. The development would be over 1000sqm and fails to contribute to affordable housing.
 3. The proposal results in less than substantial harm to Poplar Grove Farmhouse.
 4. Insufficient information to demonstrate acceptable highway safety.
 5. Lack of a S106 agreement to secure a contribution towards Essex Coast RAMS.
- 4.1.4 The Heybridge Garden Suburb was permitted under ref 15/00419/OUT (amended under multiple applications and multiple reserved matters approved), located on the western side of BSGR with access taken from the junction with Jubilee Way. The development extends southwest-wards from the Site, granting permission for up to 1,138 houses and other mixed uses.
- 4.1.5 Full planning permission for 281 dwellings and offsite biodiversity/drainage land were granted permission at appeal on 18 March 2025 under appeal refs APP/X1545/W/24/3350230 and APP/X1545/W/24/3350231. The main Maldon DC planning reference was 23/00648/FULM. The Site is c. 580m to the south of the application Site, on the eastern side of BSGR and bounded by Scraley Road to the south.
- 4.1.6 Part of the strategic site, adjacent to the western side of BSGR, 145 dwellings were granted permission under ref 15/00885/FUL (later varied by app ref 17/00585/FUL). The site entrance onto BSGR is c. 560m to the south of the current application's proposed entrance via Swifts Boulevard.
- 4.1.7 Planning permission was allowed at appeal (MDC reference 15/00057/OUT) for the erection of one new dwelling directly to the south of the Site, at the rear of 61 BSGR.

The reserved matters were submitted and approved twice, under references 7/01041/RES and 18/00843/RES.

- 4.1.8 Outline permission was granted at the 17 June North Western Area planning committee for a two-storey house on the land between 77 and 81 BSGR, under reference 25/00672/OUT. That site is c. 145m south of the application Site.
- 4.1.9 Planning permission was allowed at appeal (MDC reference 15/00057/OUT) for the erection of one new dwelling directly to the south of the Site, at the rear of 61 BSGR. The reserved matters were submitted and approved twice, under references 7/01041/RES and 18/00843/RES.

The proposed development

- 4.1.10 Permission is sought for:

“Outline planning permission for 7no. detached dwellings with details of associated vehicular access, layout, appearance and scale included, with the matter of landscaping reserved.”

- 4.1.11 As stated above, the application is made for outline permission with only landscaping reserved. Therefore, the matters of appearance, layout, means of access and scale are to be included within the consideration of this application.
- 4.1.12 The site would be accessed via an existing vehicular access from BSGR, which would be expanded and also provide dedicated pedestrian access. The pedestrian access would link to the existing footpath on the eastern side of BSGR. Houses would be accessed through an internal road along the northern side of the Site, which turns down to the southeast corner. Turning heads would be provided in the northeast and southeast of the Site.
- 4.1.13 All seven proposed dwellings would be detached properties with off-street parking. Five houses would be bungalows, while two would be two-storey (in a 1.5-storey style, with dormer windows at first floor level). The proposed design is pitched roof, with a mix of brick and weatherboards to the elevations and tile-hung roofs.
- 4.1.14 No affordable housing is proposed, as the scheme falls below nine units or 1,000sqm.
- 4.1.15 The unit size mix is proposed as follows:

Unit Size	Market
One-bed	0
Two-bed	1
Three-bed	4
Four-bed	2

Table 1 - Proposed Unit Size Mix Distribution

4.2 Conclusion

- 4.2.1 The Site is located in the countryside, beyond the settlement boundary. The proposal is therefore contrary to the spatial strategy of the development plan. The Council cannot however demonstrate a 5-Year Housing Land Supply (5YHLS). Therefore, the decision must be made in line with NPPF Paragraph 11(d). Officers have not identified any strong reason for refusal under any of the policies within the NPPF that are noted in Paragraph 11(d) (Footnote 9). As such, the application should only be

refused if the decision maker identifies that the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 4.2.2 The proposed unit-size mix is considered to be appropriate for the Site, which is largely aligned with the LHNA but has an overprovision of three-bedroom units. The LHNA allows flexibility (particularly to smaller developments) and in this case, the proposed unit-size mix is deemed appropriate, noting the housing types in the surrounding area.
- 4.2.3 While the Site is located wholly within Flood Zone 1 (a low likelihood of fluvial or tidal flooding), parts of the Site are located within areas of surface water flood risk. The Lead Local Flood Authority (LLFA) have commented on the application, not objecting subject to a range of conditions which include appropriate floor level heights for any units within areas of surface water flood risk. Officers have noted that the point of access off BSGR has areas of surface water flood risk; however, the applicant submitted additional Flood Risk Assessment (FRA) information demonstrating that there would be no areas of 20cm or greater depth within the access route, which is acceptable in terms of the Environment Agency guidelines on flood evacuation and safety. The information also negates need for a sequential test, in accordance with the NPPF.
- 4.2.4 The proposal was submitted following a previously refused application (hereon referred to as the "Refusal Application" ref 23/00110/FULM) for nine houses on a larger Site. The current application has been amended in an aim to address the previous reasons for refusal, as below:

23/00110/FULM Reason for Refusal	Officer Comments
1. Development beyond the settlement boundary harming the character and beauty of the countryside.	The site has been significantly reduced in scale and built mass; however, does still result in harm to the character and beauty of the open countryside.
2. Inadequate affordable housing	The current application is a minor and is not required to provide affordable housing.
3. Insufficient flood risk information.	A Flood Risk Assessment has been submitted, and officers consider the previous reason resolved.
4. Lack of RAMS mitigation	A Unilateral Undertaking will be signed by the applicant, making the required payment of £1228.85.
5. Nine four-bedroom dwellings does not make the most efficient use of land.	The current application has improved the unit size mix and increased density by proposing seven units across a significantly smaller site. Officers consider the previous reason resolved.

- 4.2.5 The Site was found to be in an accessible location within the Refusal Application. Officers still consider this to be the case, noting the safe pedestrian links to services and facilities in Heybridge and the new Heybridge Garden Suburb development.
- 4.2.6 The Refusal Application was determined when the Council was able to demonstrate a 5YHLS; however, this is no longer the case. The proposal would result in significant benefits including the provision much needed new residential housing (which could be established quickly and contribute to the 5YHLS). The development would be outside the settlement boundary and result in development on an open plot, resulting in harm to the intrinsic character and beauty of the countryside.

- 4.2.7 Officers have undertaken an assessment in the Planning Balance and Conclusion section of this report, concluding that the benefits would not be significantly and demonstrably outweighed by the adverse impacts of granting permission. Therefore, officers recommend that members grant permission, subject to the planning conditions in Section 8 of this committee report and a Unilateral Undertaking to secure the appropriate RAMS payment.

5. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

5.1 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
- 90-95 Ensuring the vitality of town centres
- 96-108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-130 Making effective use of land
- 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
- 202-214 Conserving and enhancing the historic environment

5.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- 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
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity

- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

5.3 Great Totham Neighbourhood Plan (2022)

- GT01 Spatial Strategy
- GTO2 High Quality Arcadian Design
- GTO3 Important Views and Setting of Totham Cricket Field
- GTO4 Green/Blue Wildlife Corridors and Wildlife-Friendly Development
- GTO5 Recreational Disturbance and Mitigation
- GTO6 Energy Efficiency of Buildings and Renewables
- GTO7 Parking Provision
- GTO8 Pedestrian and Cycle Access

5.4 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards (VPS) SPD (2018)
- Maldon District Special Needs Housing SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)
- Essex Minerals Local Plan (2014)

5.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- Provision of a **RAMS** contribution (index-linked) of £169.45 per new dwelling (£1,186.15 total)

6. MAIN CONSIDERATIONS

6.1 Principle of Development and Land Use

Policy Position

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP 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).
- 6.1.2 Policy S1 of the LDP 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 apply a number of key principles in policy and decision making set out in the policy.

- 6.1.3 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.
- 6.1.4 Local Plan Policy S8 (Settlement Boundaries and the Countryside) identifies a hierarchy for settlements within the district – Great Totham is categorised as a ‘larger village’. Policy S8 steers new development to fall within settlement boundaries, in line with the hierarchy, and states that *“the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. The application Site is adjacent to, but outside, the Goldhanger settlement boundary.
- 6.1.5 Policy S8 goes on to state *“outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon”* and provides a set of thirteen criteria way such development would be supported. The current proposal would not meet any of the 13 criteria.
- 6.1.6 Policy GT01 of the Great Totham Neighbourhood Plan seeks that new development be focussed within the settlement boundaries of North Totham and South Totham. It also provides for development proposals which meet identified local housing needs outside settlement boundaries subject to three criteria, all of which must be met.

Assessment of Current Application

- 6.1.7 The current proposal significantly reduces the size of the site, removing the eastern half that was included in the Refusal Application; however, it would still be outside of the Heybridge settlement boundary (located c. 560m to the south) and Great Totham settlement boundary (located c. 1.34km to the north).
- 6.1.8 The application proposes residential development outside of the settlement boundary and other acceptable locations, thereby falling within open countryside. Local Plan Policy S8 sets out some exceptions (S8(a-m)), where development in the countryside is supported; however, none would apply to the proposal. The application fails to comply with Local Plan policies S2 and S8, and is contrary to the spatial development and strategic growth objectives of the Local Plan. In this regard, the development must also be looked at as a departure from the LDP with regard to advertising and public consultation.
- 6.1.9 Neighbourhood Plan Policy GT01(B) provides support for proposals on sites outside the settlement boundary which meet identified local housing needs, where it meets the following three criteria:
- i. It can be demonstrated that no available and deliverable site exists within the settlement boundary.
 - ii. The site is well related to the settlement boundary, sharing a boundary on at least one side.

- iii. The site does not breach an existing defensible boundary, e.g. watercourse or main road, where there is not already development on both sides.

6.1.10 The application fails the first and second criteria of Policy GT01(B) and thereby fails to comply with the policy.

Summary of Principle of Development

6.1.11 The site is located outside of settlement boundaries and is not allocated, therefore contrary to the spatial strategy of the development plan, including Local Plan Policy S8 and Neighbourhood Plan GTO1. This will be considered in the planning balance at the end of this committee report, taking into account other material considerations including the lack of a 5YHLS.

6.2 Affordable Housing

6.2.1 Policy H1 requires *“all housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council’s strategic objectives on affordable housing”*.

6.2.2 The proposal does not include any affordable housing. The application proposes seven dwellings, falling under Policy H1’s first trigger for provision of affordable housing.

6.2.3 Policy H1 also requires provision on housing developments of more than 1,000sqm – this applied to the Refusal Scheme and formed the basis for reason for refusal 2. The current proposal has been reduced to seven proposed dwellings, which have a combined floorspace of 645sqm Gross Internal Area (the Council’s Affordable Housing and Viability SPD (2019) clarifies that GIA is the correct measurement to use; however, it is also noted for clarity that the proposal would have a 865sqm Gross External Area). There is therefore no requirement for the provision of any affordable housing as part of the proposal. The application complies with Local Plan Policy H1.

6.3 Unit Size Mix

Policy Position

6.3.1 Local Plan Policy S1 includes a number of key principles for decision making of which principle 2) is relevant in that it recognises that need to *“deliver a sustainable level of housing growth that will deliver a wide choice of high quality housing in the most sustainable locations”*. Policy H2 requires developments *“to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand”*.

Proposed Unit Size Mix

6.3.2 The fifth reason for refusal on the Refusal Application related partially to unit size mix, stating:

“The provision of 9no. 4 bedroom dwellings (7 of which have an additional bedroom in annexe accommodation) together with the low density of development, at 6 dwellings per hectare, does not make the most efficient use of land taking account of the identified housing need as identified in the Council’s Local Housing Needs Assessment (2021) or the area’s prevailing character contrary to Policies H2 and H4

of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework.”

- 6.3.3 The officers' report (in Paras 5.3.3 to 5.3.5) for the Refusal Application provided further context, noting that nine four-bedroom dwellings (seven of which had an additional bedroom in annexes) would not recognise the District's largest need for three-bedroom properties, and that the nine units on a 1.5ha site does not make the most efficient use of land. On the latter point, the current proposal seeks seven dwellings on the reduced Site, which effectively increases the density from 6dph (dwellings per hectare) as refused, to 14dph as proposed. This is a considerably better utilisation and optimisation of land.
- 6.3.4 The current application proposes the following units (defined as Unit Types 1-4 as per the submission pack):

Unit Type	No. Proposed	Bedrooms	GIA
UT1	2	4 (2 storey)	144sqm
UT2	2	3 (bungalow)	74sqm
UT3	2	3 (bungalow)	74sqm
UT4	1	2 (bungalow)	61sqm

Table 2 - Proposed Unit Type and Number

- 6.3.5 The 2025 LHNA housing mix is presented in the below table, with the proposed unit size mix in brackets. A Technical Advice Note (TAN) was subsequently published, requiring larger sites to provide the upper 10 and 35 per cent proportions of one- and two-bedroom properties.

Unit Size	Market
One-bed	5-10% (0%)
Two-bed	30-35% (14%)
Three-bed	35-40% (57%)
Four-bed	20-25% (29%)

Table 3 - LHNA 2025 Unit Size Mix (proposed in brackets)

- 6.3.6 The Neighbourhood Plan does not prescribe a mix, nor have a policy relating to unit-size mix but does note that “*across all types of need/supply shortage, the main requirement was for 2-bed properties. For older downsizers this was preferably a bungalow*” (Para 4.9).
- 6.3.7 The divergence from the LHNA mix would essentially be resolved by two three-bedroom dwellings being changed to a one-bedroom and a two-bedroom. The LHNA notes that the breakdown should be applied district-wide and not prescriptively to every development, emphasising the need to take context into account. This is particularly true of smaller sites. The LHNA also notes considerations on market housing mix include that “*downsizers and right-sizers will often want a home with two or three bedrooms (rather than one bedroom)*” – the Site is a good location for downsizing, with bungalow provision and an accessible route to services in Heybridge and further into Maldon. Taking the above and the scale of development into account, officers support the proposed unit-size mix.

6.4 Quality of Proposed Accommodation

- 6.4.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.

- 6.4.2 All proposed units would have internal floorspace which meets or exceeds the applicable requirements of the Nationally Described Minimum Space Standards (NDSS). All units would benefit from dual aspect accommodation and acceptable internal layouts with appropriately located and sized windows which provide adequate light, outlook and ventilation to all habitable rooms.

Private External Amenity Space

- 6.4.3 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. The MDDG requires private external outdoor areas to be provided to all dwellings as follows:
- 100sqm for three or more bedrooms
 - 50sqm for one – two-bedrooms
 - 25sqm minimum for flats
- 6.4.4 All proposed units would have direct ground floor access to private amenity space which exceeds the MDDG requirements. The spaces would have an acceptable level of privacy for the typical residential layout and would be enjoyable in terms of noise or disturbance.
- 6.4.5 In addition, there would be an area of communal open space with orchard and 'village pond' located in the west of the Site, which would be accessible to residents. This provides additional benefit to future occupiers.

Restrictions to Permitted Development

- 6.4.6 In addition to protecting the amenity of existing nearby residents and the design of the surrounding area (considered within the relevant sections of this committee report, officers consider it a reasonable requirement to remove permitted development rights (within householder classes A, B, C, D and E) for all proposed buildings. This will ensure that acceptable garden sizes are retained and not eroded by extensions, or additional windows or roof extensions harming levels of privacy. This does not necessarily prohibit future occupiers from seeking to extend their properties, but ensures that a planning assessment can determine if development is inappropriate. The Refused Application had large outbuildings for each dwelling, which added to the landscape/visual impact. A condition restricting Permitted Development rights to the proposed dwellings will also protect the openness of the Site, noting that there are proposed large areas of grass which may otherwise be lost.

Summary of Proposed Accommodation Quality

- 6.4.7 The seven proposed units would provide a high-quality level of accommodation to future occupiers, in accordance with the relevant parts of Local Plan Policy D1,

6.5 Design, Character of the Area and Landscape Impact

The application is outline, but layout, scale and appearance have not been reserved and must therefore be considered in this application. Officers' have had regard to the relevant design policies in the Local Plan, but also Neighbourhood Plan Policy GTO2, which requires high-quality design and layout which respects the 'Arcadian' nature and local character as identified in the Village Design Statement. This includes:

- Avoiding an overly dense feel
- Retaining views between buildings
- Development should blend into the landscape, where topography is not flat
- Sensitive lighting, to retain dark skies
- Provision of a variety of brick and render, roof styles and features
- Minimising carbon footprint
- Set back from roads, with low-level boundary treatment
- Using landscaping and soft boundary treatments to avoid a hard edge

6.5.1 Local Plan Policy H4 considers backland and infill development, stating that backland development will be supported on a site-by-site basis and overall merit of the proposal. The policy supports development where:

- There is a significant under-use of land and development would make more effective use of it;
- There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;
- There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
- The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

Landscape and Townscape Impact

6.5.2 The first reason for refusal of the Refusal Application states:

“The site is located outside of a defined settlement boundary where rural policy constraints apply. By virtue of the layout of the existing built form and the relationship of the site to the development to the north, south, and east of the site, the amount and scale of built form proposed, and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside. The proposal has not considered the context within which it will sit, and a development of this quantum and scale is not acceptable. The proposal is therefore contrary to Policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policy GT01 of the Great Totham Neighbourhood Development Plan (2022), and the policies and guidance contained in the National Planning Policy Framework.”

6.5.3 The Council's Local Validation Requirements list requires a baseline assessment of the local landscape to be undertaken within a submitted Design and Access Statement. A formal Landscape and Visual Impact Assessment is required in instances such as applications for major development. The Refused Application was major development and was supported by a 'Landscape and Visual Statement'. The current application is not supported by any Landscape Visual Impact Assessment. This is not considered to be an issue – an assessment can still be made and the findings of the previous document taken into consideration, considering the relatively recent determination of this application.

6.5.4 NP Policy GTO4 provides several important views which should be protected. The Site is relatively near Views 2 and 4 but does not fall within those views.

6.5.5 The site currently comprises an area of residential garden and paddock. The site is considered to contribute positively to the character of the semi-rural area. The built

form at this section of BSGR to the east is arranged in a linear pattern, with development fronting the existing highway.

- 6.5.6 Paragraph 5.1.11 of the Refusal Application officers' report noted that *"...of concern is the design and layout of the development together with the depth of development and the impact on the character and appearance of the area and the beauty of the countryside"*.
- 6.5.7 The proposal is a significantly less harmful development than the Refusal Application:
- the scale of buildings has been reduced – the previous c. 8.4m height of nine buildings has been reduced to two two-storey buildings of 7.2m height and five bungalows of 5.9m height (all measured to maximum ridge height)
 - the annexe buildings have been removed from the scheme
 - the development Site protrudes far less into the open countryside than the Refusal Application, due to the removal of the eastern half of the previous site and higher density of development. The officers' report for the Refusal Application stated that the development was a change from "rural/semi-rural landscape to a developed landscape character" (Paragraph 5.54) – the application now only takes place on semi-rural landscape.
 - Additional landscaping to the access road, softening views from BSGR. The layout would also better-screen buildings from BSGR, noting their positioning and also significantly reduced scale and massing.
- 6.5.8 In terms of visibility from BSGR, the most prominent building would be a bungalow located 50.5m from the Site's boundary on BSGR, with a large number of trees between it and the road. While landscaping is indicative in this application, officers can require trees in this location as part of the reserved matters submission or landscaping plan by condition, to ensure that sufficient screening is provided.
- 6.5.9 The eastern boundary has dwellings (with domestic gardens) fronting onto the boundary, thereby removing the potential for any communal area of landscaping screening. In addition, the access road does extend into the northeast are of the Site to provide a turning point, which do both reduce the potential for softening of the eastern boundary. The former matter was also the case in the Refused Application. While the latter matter was not, officers note that the open countryside to the east of the Site would be retained, which provides screening through distance and existing foliage, albeit offsite.
- 6.5.10 Taking the above into account, the erosion of the open character of the site would be readily viewable from outside the site. The loss of the character of the open paddock and garden and the change from the rural/semi-rural landscape to a developed landscape character would be significant.
- 6.5.11 The high-quality design of the buildings is noted, as is the lessening of the impact through the setback from the street scene and the vegetation screening as existing and proposed (albeit the latter is a reserved matter and will need to be assessed at that stage). Notwithstanding these factors which mitigate the harm somewhat, the development would introduce built form to an area of open countryside and result in harm to the intrinsic character and beauty of the countryside, contrary to Local Plan Policies S8, D1 and H4; and Neighbourhood Plan Policies GT01 and GT02. This harm will be assessed in the Planning Balance and Conclusion section of this committee report.

Layout, Design and Architectural Appearance

- 6.5.12 The housing would be laid out on large open plots, with significant distance between buildings to retain views of the countryside to the east. The surrounding space would be a mixture of landscaped areas, and hardstanding for access and parking. Objectors' comments refer to the low-density creating issues with the Site and not using the land effectively; however, officers consider the spaced layout essential in order to better reflect the existing development patterns along BSGR. It also breaks up massing onto the wider open countryside and lessens the visual impact of developing on an existing open garden plot. The use of the Site has also been significantly improved following the Refused Application – the density of dwellings been increased from 6dph to 14dph, while allowing for c. 1ha of grassland in the eastern part of the previous site to be removed from the development, retained as open countryside. The reduction of the site also improves the application's standing in terms of Policy H4 – the existing Site is largely residential garden which is significantly larger than the existing dwelling may need. As such, the proposal would make more effective use of the land through the provision of much needed houses.
- 6.5.13 Existing development to the rear of buildings on the eastern side of BSGR is mainly ribbon development, at a limited depth. The proposal would extend eastwards largely in line with the furthest existing development when measured from BSGR, noting the existing backland buildings to the north. The previous scheme had extended significantly past this level, which resulted in the most significant harm and incursion into the open countryside. The easternmost building point from BSGR is 110m within the current design, which is a considerable reduction from the 200m within the Refusal Application (the proposal is 88m to the nearest two-storey built point). The nature of proposed development effectively creating a backland cul-de-sac is still out of keeping with the prevailing ribbon-development character of this section of BSGR and, while there is a considerable improvement from the Refusal Application, there would still be resulting harm to the character of the area, contrary to Local Plan Policies D1, S2, S8 and H4, and Neighbourhood Plan GTO1 and GTO2. This will be considered in the Planning Balance and Conclusion section of this committee report.

Landscaping

- 6.5.14 Policy N3 of the LDP requires development to contribute towards improving the provision, quality and or accessibility of local and strategic open space.
- 6.5.15 The matter of landscaping is reserved and therefore not a material consideration on this application. The layout has been assessed and officers have therefore given consideration to the general layout of landscaping areas, which are appropriate, but will conduct a detailed assessment at reserved matters stage, if permission is granted. As previously stated, the lack of communal planting to provide screening on the eastern boundary is unfortunate; however, the majority of rear gardens on the street are screened solely by onsite planting. There are also considerable existing trees and hedgerows in the paddock to the east, which help provide screening albeit offsite.

Design, Character of the Area and Landscape Impact Summary

- 6.5.16 Subject to the reserved matter of landscaping and the conditions recommended in this section, officers conclude that the proposal would be a significant improvement from the previous application and proposes a good onsite layout of significantly reduced scale buildings. The development would however result in harm to the intrinsic character and beauty of the open countryside, which will be considered in the Planning Balance and Conclusion section of this committee report

6.6 Impact on Heritage Assets

Policy Position

- 6.6.1 The NPPF provides the basis for assessing heritage harm on a planning application. The relevant sections state:

“212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional ⁷⁵.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 6.6.2 The NPPF’s approach flows into Local Plan Policy D3 and Neighbourhood Plan.

Identified Heritage Assets and Impact

- 6.6.3 The Site itself does not contain any heritage assets. The proposal would not impact the structure of, nor result in any physical damage to, any heritage assets. NPPF Paragraph 201 requires Local Planning Authority (LPA)s to assess the impact on the setting of any relevant heritage assets – all heritage considerations will therefore be

in relation to the impact on their setting and thereby significance. The following heritage assets may be impacted by the proposal, all located between 110m and 170m to the west of the Site:

- Grade II listed building Poplar Grove Farmhouse
- Grade II listed building 'Stable approximately 30 metres west of Poplar Grove Farmhouse'
- Grade II listed building 'Cart lodge approximately 40 metres west of Poplar Grove Farmhouse'
- Grade II listed Wheel Pump Approximately 3 Metres North of Grove Farmhouse

- 6.6.4 The Refusal Application was not found to have any impact on the identified listed buildings, nor any other designated or non-designated heritage assets. The development is set a significant distance from the designated heritage assets and has multiple buildings and lines of high-level foliage between. Officers are satisfied that there would be no significant visibility of the proposal in the backdrop of any of the heritage assets, viewing westwards towards the Site, or within the foreground of any distanced views towards the assets. The proposal would not have any impact on the setting or significance of the four grade II listed assets.

Archaeology

- 6.6.5 NPPF Footnote 75 advises that “non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”.
- 6.6.6 Local Plan D3 requires that “*where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. This assessment must include consultation of the Historic Environment Record*”.
- 6.6.7 The application is supported by a submitted Archaeological Desk-Based Assessment (prepared by HCUK Group, Dated February 2025). This has been reviewed by the Place Services archaeology team, who concluded that they have no objection subject to conditions securing archaeological investigation in line with a Written Scheme of Investigation (WSI), completion of a WSI, and submission of a post-works report. Officers have included these requirements within Section 8 of this committee report.
- 6.6.8 Subject to the mitigation within the recommended condition, officers are satisfied that the proposal acceptably mitigates any potential harm to archaeological assets.

Summary of Heritage Impact

- 6.6.9 Officers have concluded that the proposal would not impact on the significance or setting of any heritage asset. Archaeology impacts have been suitably covered by conditions. The proposal is in accordance with the relevant parts of Local Plan Policy D3 and the NPPF.

6.7 Impact on Residential Amenity

- 6.7.1 The basis of Policy D1 (4) of the 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 (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.

- 6.7.2 The Refusal Application did not include a reason for refusal based on the impact on residential amenity; however, officers note that the layout has been amended and requires a new assessment.

Daylight, Sunlight and Overshadowing

- 6.7.3 The Building Research Establishment (BRE) document 'Site layout planning for daylight and sunlight: A guide to good practice' provides industry standard guidelines for assessing acceptable levels of daylight, sunlight and overshadowing. The methodology has been considered in officers' assessment and the application would pass the tests.
- 6.7.4 The closest built massing to an existing dwelling would be Plot 7 and the existing building to the south, at No. 69, which would be separated by c. 6m. The proposed building is directly to the north of No. 69, which places it outside of the Sun's path in terms of impacting on No. 69 – officers are satisfied there would be no impact on sunlight.
- 6.7.5 In relation to impact on existing buildings' level of diffuse daylight, the guidance states that it may be adversely impacted to an existing building *"if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected"*.
- 6.7.6 Taking a 25-degree angle from a 1.7m height of No. 69, Plot 7 would not intersect this line, thereby passing the BRE test and being unlikely to impact on levels of daylight or sunlight.
- 6.7.7 Other existing buildings are sufficiently distanced to alleviate any concerns of impact.

Outlook, Privacy and Overlooking

- 6.7.8 The MDDG states that *"where new development backs on to the rear gardens of existing housing, the distances between buildings are set out in the Essex Design Guide to a minimum of 25m"*. The development would significantly exceed this requirement, with c. 56m to the rear elevation of properties to the west.
- 6.7.9 Several dwellings would be near the shared boundary with existing houses but these would be bungalows, reducing the impact, and would be sufficiently distanced to negate any unacceptable impact on outlook. Plot 4, which is located near the shared boundary with existing No. 69, would have two windows serving a bedroom and living room facing south towards No. 69; however, the windows would be at ground floor and this is considered to be sufficient distance between properties, similar to the pattern of development on BSGR. Officers do not consider any obscure glazing to be required.

Noise

- 6.7.10 The proposed residential use is not a noise-generating use and vehicle movements would be in line with standard residential use, accessing the Site directly from BSGR – the access would pass between two buildings but is an existing residential access and would not be subject to a frequency of use which is dissimilar to a residential corner plot – it would not result in unacceptable vehicle movement noise. Noise at construction stage would be controlled through national working hours, the

Construction Environmental Management Plan (recommended to be secured by condition) and the Control of Pollution act.

Odour and Pollution

- 6.7.11 The proposed residential houses would not generate levels of odour or pollution which are likely to have any significant impact on the surrounding area at operational stage. A condition requiring a Construction Management Plan is recommended, which would include mitigation requirements regarding dust management and air quality.

Impact on Residential Amenity Summary

- 6.7.12 Subject to the recommended officers are satisfied that the proposed development would not unacceptably impact on the residential amenity of any existing dwelling, in compliance with the relevant requirements of LDP Policy D1.

6.8 Air Quality

- 6.8.1 The submission of an Air Quality Assessment (AQA) is not required on a proposal of this scale and location, either by the LPA's local application requirements or by Institute of Air Quality Management (IAQM) guidance.
- 6.8.2 NPPF Paragraph 199 requires that *"...planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan"*. The Site does not lie within or near any Air Quality Management Area (AQMA) or Clean Air Zone. Officers have no objections relating to air quality impact.

6.9 Access, Parking and Highway Safety

- 6.9.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and 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.
- 6.9.2 There was no reason for refusal on the Refusal Application. The application has been reviewed by Essex County Council (ECC) highways team, who support the proposal subject to conditions (set out in the list of conditions recommended to members at the end of this committee report) summarised below:
- Construction Management Plan
 - Implementation of vehicle access
 - Implementation of visibility splays
 - No unbound material used within 6m of the highway boundary.
 - Car parking provided in accordance with the SPD.
 - Provision and implementation of a Residential Travel Information Pack

Highway Capacity

- 6.9.3 The Refused Application was not refused on any highways grounds. The proposed number of units is modest in comparison to the existing number of units traversing

the local highway network and the highway network has sufficient capacity to accommodate it, which is supported by the Highways Authority.

Access

- 6.9.4 The proposed vehicular access is essentially the same as the Refusal Application, which did not draw objections within that application. The officers' report of the Refusal Application notes (Paragraph 5.7.2) that there was concern regarding the proposed access if a new access was also established on the opposite side of the road as part of application 23/00121/FUL. That application has since been refused and there is no live application on the Site.
- 6.9.5 A representation states that road users would not expect left and right turns onto the road; however, the existing driveway can be used in both directions and many of the existing houses on this stretch of BSGR have drives in their front gardens. The submitted Transport Statement demonstrates that sufficient visibility splays will be provided. The access point is existing, albeit the use would be intensified by the proposal. The Highways Authority has no objection in this regard and has recommended appropriate conditions to ensure that the vehicle access is built to acceptable measurements and that acceptable visibility splays are provided. Subject to this, the proposed access would be safe and accessible. The Transport Statement outlines that there are no recorded incidents within the vicinity of the Site, utilising Crashmap data.
- 6.9.6 The development proposes a policy-compliant access point for pedestrians and vehicles, in accordance with the relevant parts of Local Plan Policies D1 and T2.

Car and Cycle Parking

- 6.9.7 Policy D1 (5) requires development to provide safe and secure car and cycle parking having regard to the VPS SPD and Policy H4 (density (5)) refers to developments having regard to parking standards
- 6.9.8 The Council's adopted VPS SPD sets minimum parking standards for dwellinghouses as follows:
- one space per one bed dwelling; two spaces per two and three bed dwellings; three spaces per four+ bed dwellings
 - Visitor parking: one spaces per four dwellings
 - Cycle parking: none if garages provided; otherwise, one / dwelling (one bed); two / dwelling (two+ beds); + one / eight units (for visitors

Great Totham Neighbourhood Plan Policy GTO7 states that *"in order to ensure good design and layout of development, particularly residential development, proposals for parking are encouraged to use car ports and/or communal parking to deliver their parking requirements. All parking provision must be permanently available for parking use"*.

- 6.9.9 All properties would be provided with sufficient car parking spaces, in line with the SPD requirements. Two visitor parking spaces are proposed, which is policy compliant.
- 6.9.10 All units would be required to have two cycle parking spaces each. No visitor spaces are required. All proposed units are shown to have cycle storage structures in rear gardens, which is the preferred storage approach. Detailed plans of the structures is recommended to be secured by a planning condition.

6.10 Ecology, Biodiversity and Impact on European Designated Sites

- 6.10.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 6.10.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 6.10.3 Policy N1 of the LDP 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. Policy N2 of the LDP 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.
- 6.10.4 The Environment Agency (EA) have advised that they will not be providing comments on this application as it does not meet their statutory consultation criteria.

Protected and Priority Species

- 6.10.5 The application proposes acceptable mitigation measures for bats, terrestrial mammals, and reptiles, identified in the Preliminary Ecological Appraisal (arbtech, February 2025) and the Preliminary Roost Assessment (arbtech, May 2025). Place Services Ecology recommend securing these by condition, in addition to the precautionary method statement contained within the Preliminary Ecological Appraisal.
- 6.10.6 A condition securing the submission of a wildlife sensitive lighting scheme is also recommended, to ensure that light-sensitive species such as bats are not impacted. Subject to the conditions, officers are satisfied that there would be no unacceptable impact on protected and priority species, in accordance with Local Plan Policy N2.

Trees and Hedges

- 6.10.7 There are no onsite trees that are subject to a Tree Preservation Order (TPO) or are protected by way of being inside a conservation area. The arboricultural team at Place Services has provided comments in support of this application, which are taken into consideration.
- 6.10.8 While trees are required to be removed, these are all Category U – poor quality trees with limited lifespan that should be removed irrespective of the planning application. There are conflicts with the Root Protection Areas (RPAs) of trees/groups T1, G3, T4 and T5; however, the infractions of the RPAs are minor and would not be detrimental to the health of these trees. There would be no harmful impact, in accordance with Local Plan Policy N2.
- 6.10.9 Place Services advise that the scheme should ensure that the onsite Category B trees are protected and request that an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan be submitted at reserved matters stage.

Mandatory Biodiversity Net Gains

- 6.10.10 Biodiversity Net Gains (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Applications are required to deliver a mandatory 10% measurable BNG, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 6.10.11 The application is supported by a Statutory Biodiversity metric (completed September 2025) and BNG Assessment (arbtech, April 2025), which demonstrate that the application would achieve a 13.84 per cent habitat units and 24.56 per cent hedgerow units onsite BNG which are above the ten per cent requirement. Officers recommend securing this through the use of the national mandatory BNG condition, applied through an informative.

European Designated Sites

- 6.10.12 Reason Four of the Refusal Application related to the impact on the Essex Coast protected sites, but this was a procedural reason – if the application had been supported on all other grounds, a section 106 legal agreement with a RAMS financial contribution would have been signed, thereby removing the reason for refusal.
- 6.10.13 The Site falls within the evidenced recreational Zone of Influence (ZoI) of the Blackwater Estuary Ramsar and Special Protection Area. It is therefore 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. This is also secured by Local Plan Policy N2 and Neighbourhood Plan Policy GTO5.
- 6.10.14 To accord with Natural England's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (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 (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types?
Yes – The proposal is for seven residential dwellings

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

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

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

Summary of Appropriate Assessment

As the answers within Stage 2 (the integrity test) is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.

- 6.10.15 The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. 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 £175.55 and thus, the developer contribution should be calculated at this figure - £1,228.85 total. Should members be minded to grant planning permission, this would be subject to the signing of a Unilateral Undertaking in order to secure this payment.

Ecology, Biodiversity and Impact on European Designated Sites Summary

- 6.10.16 Subject to the conditions and planning obligations recommended in this report, officers consider the development to be acceptable in terms of ecology and biodiversity.

6.11 Drainage and Flood Risk

- 6.11.1 Policy S1 of the LDP requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy D5 also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

- 6.11.2 The Site is located entirely within the Environment Agency (EA) Flood Zone 1, which presents a low risk of tidal or fluvial flooding.

Neighbourhood Plan Policy GTO6iv states that "*all development shall minimise surface water runoff to prevent off-site flooding through the design of a suitable SuDS-based drainage system, and where possible incorporate mitigation and resilience measures for any increases in flood risk that may occur due to climate change. Opportunities should be taken to reduce flood risk to existing residential properties through new development, particularly if this is located within a Critical Drainage Area (CDA)*".

- 6.11.3 The Site is located within the Maldon CDA, which are defined by the Maldon and Heybridge Surface Water Management Plan (2013).

Surface Water Drainage

- 6.11.4 The third reason for refusal of the Refusal Application stated:

"Insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of flood risk and how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems. The proposal is contrary to the policies contained

within Policy D5 of Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework.”

6.11.5 NPPF Paragraph 175 states that *“the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)”*.

6.11.6 The Flood Risk and Coastal Change PPG provides further guidance on the application of Paragraph 175, stating that *“in applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied”*.

6.11.7 The previous comments related to a major development, whereas the current proposal is only minor development, which changes the level of assessment required. The LLFA have provided an updated assessment, noting that the current application is a minor development and do not object, subject to multiple recommendations as follows:

- Runoff rates should be restricted to the greenfield 1 in 1 year rate or 1l/s (whichever is higher).
- Permeable paving should be prioritised over non-permeable surfaces.
- Each proposed dwelling should be fitted with a water butt.
- Any dwellings in close proximity to the areas of surface water flooding should have a raised finished floor level, at a minimum of 300mm above the ground levels.
- Any surface water flooding should be contained on site, so as to not increase the flood risk offsite.

6.11.8 Officers have recommended appropriate conditions in Section 8 of this committee report which incorporates the above measures.

6.11.9 The LLFA also goes on to advise that the LPA should consider safe access and egress to and from the Site. Officers note that the proposed entrance path is indicated as having potential surface water flooding on the Government’s 2061-2125 future flood risk plus climate change mapping. The applicant subsequently submitted a revised FRA which demonstrates that the internal access roads and the main access road onto BSGR are shown to be fully clear of any flood depths of 20cm or greater, complying with the emergency access requirements set by the Environment Agency / ADEPT guidance.

6.11.10 There is an area within the housing layout which may experience surface water flooding at a maximum of 20cm depth, but this is shown to be low probability – 1 in 1000 years. The applicant is proposing the following mitigation measures to increase safety in the event of a surface water flood:

- The surface water flooding identified in the south-east of the site, where a proposed dwelling is located, is assumed to be due to lower ground levels in

this area. These low spots are expected to be removed as part of the general site earthworks required to facilitate the development.

- All dwellings within close proximity to an area of surface water flooding have a raised finished floor level, at a minimum of 300mm above the surrounding ground levels.
- Given the footway construction, actual surface water flood depths are likely to be a maximum of 75mm which would provide safe access to pedestrians.
- An evacuation route has been proposed.
- Although warnings cannot be given for surface water flooding, such an event is likely to correspond with prolonged and/or heavy rainfall. It is therefore recommended that all residents sign up to receive MET office weather warnings.

6.11.11 The proposed mitigation measures will be included within a detailed Surface Water Drainage Scheme, which officers recommend to secure by condition. The document would be reviewed by the LLFA. The potential surface water flood risk is low likelihood, low in terms of flooding level and can be further mitigated through the detailed drainage strategy. Noting this and given the proposed mitigation measures, officers are satisfied that occupiers and users of the Site would remain safe from current and future surface water flood risk, without increasing risk elsewhere. The application of the sequential test is therefore not required. Subject to the recommended condition, the application would have an acceptable impact in relation to surface water.

Foul Drainage

6.11.12 Anglian Water (AW) are the operator of the local sewerage system and while they have not provided comments on this current application, they commented on the Refusal Application stating that they only provide comments for a minimum scale of 10 residential dwellings.

6.11.13 Officers recommend a condition securing a Foul Drainage Strategy, to be submitted prior to the commencement of development, detailing how foul flows will be disposed of.

6.12 Energy and Sustainability

6.12.1 Local Plan Policy D1 requires development to make a positive contribution to energy and resource efficiency. Policy D2 states that *“development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate”*.

6.12.2 GTNP Policy GTO6 requires proposals involving the construction of new buildings to demonstrate *“how the design of buildings and site layouts minimise consumption of energy, water, minerals, materials and other natural resources in order to provide resilience to the effects of climate change”*. Part B of the policy also provides some specific design guidance which is considered below.

6.12.3 All buildings would be fitted with photovoltaic panels, which would provide onsite renewable energy. A condition is recommended to secure their design details and implementation. The buildings have been orientated to allow for solar gain where possible (constrained by overlooking, design considerations and access routes) and would be dual aspect, to allow for effective natural ventilation.

6.13 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

6.13.1 The applicant has confirmed that they are willing to enter into a Unilateral Undertaking which would be bound to the permission if granted, to include the following planning obligations:

- RAMS contribution of £175.55 per dwelling - £1,228.85 total

6.13.2 Should officers recommendation be supported, , that decision would be subject to the legal agreement being signed, to secure the above obligations, prior to the decision notice being issued.

6.14 Planning Balance and Conclusion

Five-year Housing Land Supply (5YHLS)

6.14.1 Paragraph 79 of the NPPF requires the Council as the LPA for the Maldon District to “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, NPPF Paragraph 77 requires LPAs to “*identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply*”. To this end, MDC prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March.

6.14.2 Following changes to the calculation of housing supply which were introduced in the December 2024 NPPF revisions with immediate effect, MDC can currently only demonstrate 4.1-year housing land supply. The Council therefore cannot currently demonstrate a 5YHLS.

6.14.3 Paragraph 14 of the NPPF states:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)”*

6.14.4 The Great Totham Neighbourhood Plan was made (and thereby became part of the development plan) on 6 July 2022, which is within five years of a decision being made on this application. The Neighbourhood Plan does include the results of a housing need survey, but does not have any policies or allocations in order to meet the identified housing requirement. Even if such a policy was in place, it was not based on an out-of-date local plan and it does not include any policies which set out how to address the housing need on a District-wide scale. There are no up-to-date housing related policies within the adopted development plan.

6.14.5 This impacts the procedure for the determination of the application, through the application of the Presumption in Favour of Sustainable Development.

Presumption in Favour of Sustainable Development

6.14.6 Chapter 2 of the NPPF seeks to achieve sustainable development, which runs throughout the policies in the Framework. Paragraph 11 presents the presumption in favour of sustainable development, with parts (c) and (d) sets out how the presumption should be applied in decision making.

6.14.7 NPPF Paragraph 11 provides a staged approach for determination. Sub-paragraph 11(d) states that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*
- ii. 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 [9].”*

6.14.8 As stated earlier in this committee report, the Council cannot demonstrate a 5YHLS. Footnote 8 (within NPPF Paragraph 11 above) clarifies that out-of-date policies *“includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.

6.14.9 The housing-related policies in the Local Plan must therefore be considered out-of-date, and the application must be determined under sub-paragraph (d). This is commonly referred to as the tilted balance.

6.14.10 The first stage of this is whether there is a strong refusal under the Framework within the policy areas referred to in Footnote 7 of the NPPF, which advises that:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”

6.14.11 Officers are satisfied that the issues relating to flood risk have been sufficiently addressed through the submission of additional information and by conditions. There is no strong reason for refusal in relation to flooding, heritage assets or habitat sites. None of the other policies referred to relate to the proposal. There is no strong reason for refusal under part (i) of Paragraph 11(d).

6.14.12 The decision maker must then look to Paragraph 11(d)(ii). This dictates that the decision must be made under a planning balance with a presumption in favour of sustainable development – permission should be granted without delay unless the

adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 11(d)(ii) has *“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”* which it directs us to through Footnote 9:

“The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.”

6.14.13 The Footnote 9 NPPF policies must be given particular regard in the assessment, given that the presumption is only applicable to sustainable development. The Footnote 9 policies can be loosely summarised as follows (and will be taken into consideration in this planning balance assessment):

- Chapter 5 Paragraph 66 – this relates to major development and is not applicable to the current application
- Chapter 5 Paragraph 84 – resists isolated rural development unless specific circumstances apply. The proposal is not considered to be isolated rural development and therefore Paragraph 84 does not apply to the current application, given the surroundings (including the close proximity and accessibility to the strategic site).
- Chapter 7 Paragraph 91 – this relates to town-centre uses and is not applicable to the current application
- Chapter 9 Paragraph 110 – seeks to focus development in sustainable transport locations
- Chapter 9 Paragraph 115 – relates to site allocations and also applications, requiring sustainable and safe access
- Chapter 11 Paragraph 129 – encourages the efficient use of land but also takes into account the availability of services and maintaining a well-designed setting
- Chapter 12 Paragraph 135 – this relates to design guidance and also accessibility
- Chapter 12 Paragraph 139 – requires development to be of a good design

Sustainable Development

6.14.14 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.

6.14.15 Paragraph 8 of the NPPF states that *“achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the

needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 6.14.16 A key element of sustainability in residential development is accessibility, including the proximity and availability of services and facilities, and their accessibility via sustainable transport methods. NPPF Paragraph 110 (which has particular regard in the tilted balance) states that:

"The planning system should actively manage patterns of growth in support of these objectives. 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

- 6.14.17 While distanced from Great Totham, the Site is nearer to Heybridge (defined as a 'main settlement' in Local Plan Policy S8) via a pedestrian footpath. Main settlements are described in the Local Plan as *"defined settlements with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links"*.

- 6.14.18 The officers' report for the Refusal Application noted that the Site would be acceptable in terms of its accessibility. The CFS assessment also concluded that the Site would be in a sustainable location, notwithstanding the other issue identified following the Refusal Application. While the Site's location is outside the settlement boundary, it has the following accessible amenities/services:

- The Site has a c. 560m walk to Heybridge, via a public footpath providing safe pedestrian access for the entire route. The Site is distanced c. 1.2km from a local convenience store and small retail parade.
- C. 1km walk to the new local centre in the Heybridge Garden Suburb, which is still under construction but will provide a range of services which were considered sufficient for the wider strategic development and will therefore provide more than sufficient options to users of the application Site.
- There are two bus stops within the immediate vicinity of the site at BSGR that link the site to Wickham Bishops, Witham and Colchester to the north and Heybridge and Maldon to the south.

- 6.14.19 Taking the above into account, officers agree with the Refusal Application that the Site is in a sustainable location which has a wide range of services and facilities within reasonable walking distance, complying with the relevant parts of the NPPF in regard to sustainable access.

- 6.14.20 The development is in an accessible location which would not be unacceptably reliant on private motor vehicles for trips. The NPPF states that this must be given particular regard in the planning balance.

Planning Balance

- 6.14.21 In judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.
- 6.14.22 The table within the Summary section of this report provides a breakdown of how this application addresses the previous reasons for of the Refusal Application.
- 6.14.23 Taking into account the considerations within this committee report, the proposal is considered to fail to comply with the development plan when taken on the whole.
- 6.14.24 Officers have identified the following policy conflicts:
- Harm to the character and beauty of the countryside, through the introduction of domestic built footprint which urbanises the area. The potential for screening is noted, particularly to the proposed single-storey units, which would mitigate longer views, and the extent of the transgression into the open countryside is relatively limited, so officers give this harm moderate weight.
 - Introduction of residential development beyond a settlement boundary. Officers give limited weight to this harm due to the lack of a 5YHLS and Policy S8 therefore being regarded as out-of-date by the NPPF.
- 6.14.25 The identified policy conflicts must be weighed against the benefits of the proposal, which are identified as:

Social

- Provision of seven market dwellings would provide a modest but positive contribution to the Council meeting its 5YHLS and would likely be brought forward in a short timescale given the size of the development. Given the modest scale and absence of affordable housing, officers give this benefit moderate weight.
- The site is close to a main existing settlement and would make use of an existing access, with opportunities for sustainable transport links to local amenities. Noting the thrust of the NPPF to support development in sustainable locations, officers give this benefit limited to moderate weight.

Economic

- There would be employment-related benefits to the local economy through the construction workers of the seven dwellings and increased use of facilities by future occupiers. Given the scale of development, this benefit is given limited weight.

Environmental

- While BNG is mandatory, the development would deliver onsite BNG in excess of the ten per cent requirement and provide high quality onsite public amenity space. Noting the level of overprovision, this benefit is given moderate weight.

Conclusion

- 6.14.26 The core principle of the presumption in favour of sustainable development is to encourage development in sustainable areas. Officers note that the Refusal Application was not supported in the planning balance; however, this decision was made when the Council was able to demonstrate a 5YHLS and the proposal also

resulted in considerably more landscape and visual harm, given the extended development eastwards and the greater scale and massing of the proposed buildings.

- 6.14.27 Officers note the harms; however, taking into account the Site's setting and the pressing need for housing (which small windfall sites can bring forward quickly), conclude that the harms of the development would not significantly and demonstrably outweigh the benefits. Officers therefore recommend that outline planning permission is granted, subject to the Unilateral Undertaking in relation to RAMS obligations and the conditions recommended in Section 8 of this committee report.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<u>23 July 2025</u> Object, due to the following contradictions to policy: • The proposed development lies outside the defined settlement boundary, contrary to the policies outlined in the Local Plan and Neighbourhood Plan. • Overdevelopment of the site. • The proposal conflicts with the policies and design principles adopted in the Great Totham Neighbourhood Plan and Design Statement. • The proposal constitutes inappropriate backland development. • The development is likely to generate additional demand for local school places in an area where current capacity is already under strain.	These matters are considered where appropriate in this committee report. The application is for minor development and the Council therefore does not seek any assessment or contribution towards local school services, as is done on major developments.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Arboricultural Officer (Place Services)	No objection , subject to the following conditions: - Retention and protection of existing trees - Retention and protection of existing hedges / shrubs	Noted and conditions added to Section 8 of this report.
Archaeology (Place Services)	No objection , subject to the following conditions: - Archaeological investigation in line with a Written Scheme of Investigation - Completion of the WSI - Submission of a report	Noted and conditions added to Section 8 of this report.
Ecology (Place Services)	No objection , subject to the following conditions: - Compliance with Ecological Appraisal Recommendations - Time limit on surveys - Biodiversity Enhancement Strategy - Wildlife Sensitive Lighting Scheme - Biodiversity Gain condition (informative)	Noted and conditions added to Section 8 of this report.
Highways Authority (ECC)	No objection , subject to the following conditions (and informatives also requested but not listed): - Construction Management Plan - Implementation of vehicle access - Implementation of visibility splays - No unbound material used within 6m of the highway boundary. - Car parking provided in accordance with the SPD. - Provision and implementation of a	Noted and conditions added to Section 8 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Residential Travel Information Pack	
Lead Local Flooding Authority (ECC SUDS)	We would look to make our assessment based upon the updated development proposals, which therefore would take into consideration that this is now a minor development: • Runoff rates from the site should be restricted to the greenfield 1 in 1 year rate or 1l/s (whichever is higher). • Permeable paving should be used as extensively as possible. • Each dwelling should be fitted with a water butt. • Any dwellings located within close proximity to the areas of surface water flooding should have a raised finished floor level, at a minimum of 300mm above the ground levels. • Any surface water flooding should be contained on site, so as to not increase the flood risk offsite. • The Local Planning Authority should also consider safe access and egress to and from the site.	Noted – these suggestions have been imposed within conditions added to Section 8 of this report:
Natural England	Further information required: • Information on how the development would impact designated sites.	The Natural England comments are supportive, subject to the Local Planning Authority conducting an Appropriate Assessment which finds that mitigation can sufficiently manage potential impacts. This

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		has been conducted and no impacts are identified, subject to the Essex Coast RAMS payment to be secured by a Unilateral Undertaking.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	<u>28 July 2025</u> No objection or comments.	Noted
Place Officer	Further information required on parking provision and an updated Transport Statement in relation to sustainable transport methods.	Parking layout was amended in plans to improve design; however, officers are mindful that provision should be in accordance with the SPD requirements.

7.4 Site Notice / Advertisement

7.4.1 Site notices were placed adjacent to the Site on 11 July 2025. A press notice was published in the Maldon & Burnham Standard on 11 August 2025.

7.4.2 The public consultation period ended on 1 September 2025.

7.5 Representations received from Interested Parties (summarised)

7.5.1 Four public representations have been received objecting to the application, including one from a planning agent. The reasons for objection are summarised in the table below:

Objection Comment	Officer Response
<u>Principle of Development</u> - The application is a departure from the Local Plan. - With over 1,200 properties currently under construction nearby at Westcombe Park, it is questionable whether there is a need for an additional seven dwellings on what is currently a private garden. - Permission could set a precedent for other homeowners in Great Totham.	The application is being presented as a departure. The District has an acute need for housing, as demonstrated by the lack of a 5YHLS. Each application must be decided on its own merits and officers have conducted an assessment of the application in relation to its relatively large site on BSGR. Comments on the principle of development are considered in the Principle of Development and Land Use section of this committee report.

Objection Comment	Officer Response
<u>Housing</u> The application lacks affordable housing or a Section 106 agreement, failing to meet local needs, which was a reason for refusal of the previous applications.	The scale of application proposed is not required to provide affordable housing.
<u>Landscape and Design</u> - The application is unsustainable and harmful to the countryside, as per the previous refusals. - The development is outside the settlement boundary and harm the intrinsic character and beauty of the countryside, resulting in an urbanising effect which is visually prominent and incongruous. - The proposal would introduce dwellings with external lighting for access, parking and security, which harms the rural area with dark skies and harms light-sensitive wildlife. - The proposed layout is low density and results in unnecessary countryside loss when Maldon's five-year housing land supply is met. - There is no nearby development of significant depth in comparison to that proposed. - The density of 14 dwellings per hectare is still an inefficient use of land. - The boundaries are random and do not relate to existing physical features.	These matters are considered in the Design, Character of the Area and Landscape Impact section of this committee report.
<u>Heritage Impact</u> The development may cause harm to archaeological assets.	Subject to recommended conditions, the proposal would not unacceptably impact on archaeological assets, as supported by Place Services as a specialised consultee.
<u>Residential Amenity</u> - The proposed two-storey dwellings would overlook private gardens and properties, resulting in privacy loss. In a rural context, even 75m is insufficient to mitigate the impact of backfill development. - Light pollution to neighbours - This development would result in months of disruption and noise pollution and exacerbate existing noise and air impacts from other developments. - There would be disturbance from all the symptoms of domestic use, including mechanised grounds maintenance, BBQs, parties, dogs and children. Cumulatively this would have an adverse impact on the quiet enjoyment and general amenity of Comfrey Meadow Cottage.	These matters are considered in the Impact on Residential Amenity section of this committee report.
<u>Transport and Accessibility</u> - The proposed access road intensifies pressure on Broad Street Green Road and vehicle trips, compounded by the nearby roundabout. This results in accidents and danger to pedestrians at a known accident hotspot. - No 53 has been converted from a single dwelling without an application for planning permission, which	These matters are considered in the Impact on Access, Parking and Highway Safety section of this committee report.

Objection Comment	Officer Response
has materially increased the amount of traffic. The application is silent about the blue land, but the odd external boundaries suggest that there will be incursion on to it by future residents. We ask that it be made clear that no part of the development has access via the field gate and private drive.	
<u>Ecology and Biodiversity</u> - The development would introduce light pollution and habitat fragmentation, which would harm local biodiversity and wildlife. - Large areas of hardstanding and mowed grass would not contribute to BNG. - The site is unnecessarily large, which results in the loss of more trees and habitats than is necessary.	These matters are considered in the Ecology, Biodiversity and Impact on European Designated Sites section of this committee report
<u>Flood Risk and Drainage</u> - The site is in flood prone areas and lacks a robust Flood Risk Assessment or Sustainable Drainage System (SuDS), which would exacerbate flooding. - The development would increase offsite surface water flooding. - The surrounding area does not have sufficient infrastructure to cope with additional sewer services demand.	These matters are considered in the Drainage and Flood Risk section of this committee report
<u>Procedural or Other Objections</u>	
The application has layout and appearance reserved, yet includes a detailed layout and specific house types.	The matters of layout and appearance are not reserved.
Residents have not seen a site notice or received neighbour notification letters.	Neighbour letters are no longer sent. Site notices were posted as stated in this report. Statutory consultation requirements were followed.
Reducing the number of units to 7 does not address previous concerns. None of the nearby residents want more houses. Those responsible for making the decision should take the time to visit the site and surrounding areas and consider the effect that this development will have on those already living here.	Officers have conducted a site visit and observed the site and surrounding area. Impacts on residential amenity area considered in the relevant section of this committee report.
Due to the underlying clay, the construction will be required to use ground piles and steel, which is not a sustainable construction method.	There is no planning policy base to refuse an application in relation to the use of piling as a construction method.
The proposal appears to be the first of a multiple phase scheme.	Each application must be assessed on its own merits. A future phase of development cannot be assumed.
If the Site can only deliver seven houses, then the logical conclusion is that the development is not sustainable. Housing should be provided with all necessary infrastructure on better sites.	The Site is considered to be in a sustainable location.

7.5.2 No letters were received in support or commenting on the application.

8. **PROPOSED CONDITIONS OR REASONS FOR REFUSAL, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Unilateral Undertaking to secure a Essex Estuaries RAMS payment of £175.55 per dwelling - £1,228.85 total

PROPOSED CONDITIONS

1 Time Limited Consent

An application to the Local Planning Authority for approval of the Reserved Matters shall not be made later than the expiration of three years from the date of this decision. The development hereby permitted shall not be begun later than the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2 Approved Plans

The development authorised by this permission shall be carried out in complete accordance with the approved plans and specifications, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

SITE LOCATION PLAN 2063_YPUK_P001 Rev P4
SITE SURVEY 2063_YPUK_P002(A) Rev P4
PROPOSED SITE PLAN 2063_YPUK_P002(C) P10
PROPOSED SITE (SERVICES AND DEMO) 2063_YPUK_P002(D) Rev P6
PROPOSED SITE PLAN VISIBILITY SPLAY 2063_YPUK_P002(E) Rev P6
2063_YPUK_P003(UT1)A - Proposed Ground Floor Plan
2063_YPUK_P003(UT1)B - Proposed First Floor Plan
2063_YPUK_P003(UT2) - Proposed Ground Floor Plan
2063_YPUK_P003(UT3) - Proposed Ground Floor Plan - P2
2063_YPUK_P003(UT4) - Proposed Ground Floor Plan - P2
2063_YPUK_P004(UT1) - Proposed Elevations - P2
2063_YPUK_P004(UT2) - Proposed Elevations - P2
2063_YPUK_P004(UT3) - Proposed Elevations - P2
2063_YPUK_P004(UT4) - Proposed Elevations - P2
2063_YPUK_P005(SC) - Proposed Elevations - Street Scene - P3

REASON: To ensure that the development is carried out in accordance with the details as approved.

3 Reserved Matters

This is an outline permission, and no development shall be commenced until further approval of the Local Planning Authority has been given under the matter hereby reserved, comprising landscaping.

REASON: The application has been made for outline permission only with this matter reserved for subsequent approval. Therefore, such details are required to be submitted and agreed in order to ensure a satisfactory form of development, safeguard the character of the area, ensure satisfactory biodiversity and protect the amenity of existing and future residents, in accordance with the requirements of Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

4 Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include (but not be limited to) the following details:

- i. vehicle routing
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- e) no parking of operative vehicles on the public highway including the footpath

REASON: To ensure that on-road parking of these vehicles in the adjoining roads does not occur, that loose materials and spoil are not brought out onto the highway and that construction vehicles do not use unsuitable roads, in the interests of highway safety and in accordance with Policies D1, D2 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

5 Retention and Protection of Existing Trees

No development shall commence until the following details have been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

Any required protective fencing and ground protection shall be implemented prior to works and retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan (2017) and the Maldon District Design Guide.

6 Retention and Protection of Hedges/Shrubs

Prior to the commencement of any demolition or development hereby approved, details of fencing/ground protection to protect the hedges/shrubs to be retained in accordance with BS5837:2012 shall be submitted, and approved in writing by, the Local Planning Authority. The protective fencing shall be erected prior to the commencement of any development, including site clearance, demolition or building operations, and shall be retained until all equipment, machinery and surplus materials associated with demolition and construction have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

7 Access Junction Details

Prior to the first occupation of any dwelling within the development hereby approved, the shared vehicular access as shown in principle on planning drawing no. '2063_YPUK_P002(E) Rev P3' shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres for the first 6 metres into the site and shall be provided with an appropriate vehicular crossing of the highway verge and footway. The access shall be provided with tactile pedestrian crossing points to connect to the existing footway. Full layout details to be agreed with the Highway Authority. The development shall be maintained in accordance with the approved details.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to make adequate provision within the highway for pedestrians, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017).

8 Visibility Splays

Prior to the first occupation of any dwelling within the development hereby approved, and as shown in principle on planning drawing no. 2502-042 VS01, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1. The development shall be maintained in accordance with the approved visibility splay details.

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

safety and in accordance with Policy T2 of the Maldon District Local Development Plan (2017).

9 Access Surface Treatment

No unbound material shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan (2017).

10 Cycle Parking

Prior to the first occupation of any dwelling hereby approved, details of cycle parking storage shall be submitted to, and approved in writing by, the Local Planning Authority. The storage shall be in accordance with the cycle parking standards in Maldon's Vehicle Parking Standards SPD (2018). The approved facilities shall be secure, convenient, covered and shown to be appropriately located in rear gardens. The cycle storage shall be implemented in accordance with the approved details prior to the first occupation of each relevant dwelling hereby approved and retained in accordance for the duration of the development.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

11 Residential Travel Information Pack

Prior to the first occupation of any dwelling within the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies S1, T1, T2 and I2 of the Maldon District Local Development Plan (2017).

12 Archaeological WSI

A. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

B. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Part A above, and any subsequent mitigation has been agreed.

C. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority

REASON: To protect the site which is of archaeological interest, in accordance with Policy D3 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

13 Ecological Appraisal Recommendations

The development hereby permitted, including all mitigation measures and/or works, shall be carried out in accordance with the details contained in the

submitted Preliminary Ecological Appraisal (arbtech, February 2025) and Preliminary Roost Assessment (arbtech, May 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

14 Surveys Time Limit

If the application hereby approved does not commence within 1 year from the date of the planning consent, the approved ecological mitigation measures secured through Condition 13 shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON To ensure the development does not harm protected species or their habitats, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

15 Biodiversity Enhancement Strategy

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (arbtech, February 2025) and Preliminary Roost Assessment (arbtech, May 2025), shall be submitted to, and approved in writing by, the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The development hereby permitted shall be implemented and carried out in accordance with the approved details and shall be retained in that manner thereafter.

REASON To enhance protected, Priority and threatened species and allow the LPA to discharge its duties within the NPPF and s40 of the NERC Act 2006 (as amended), and in accordance with Policy N2 of the approved Maldon District Local Development Plan.

16 Wildlife Sensitive Lighting Design Scheme

Prior to the first occupation of any residential unit hereby permitted, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include, but not be limited to, the following:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

REASON To ensure the development does not harm habitats or foraging areas for light-sensitive species, in accordance with Policy N2 of the Maldon District Local Development Plan (2017); and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

17 Finished Site Levels

No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. Details shall also demonstrate that any hereby permitted dwellings which are in close proximity to areas of potential surface water flooding (as per Environment Agency data) have a raised Finish Floor Level of at least 300mm above adjoining external ground level. The development shall be carried out in accordance with the approved details.

REASON: In order to safeguard the amenities of neighbouring occupiers, in the interests of visual amenity of the area and to protect against flood risk, in accordance with Policies D1 and D5 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

18 External Materials

No development above ground level shall commence until details or samples of all external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented in accordance with the approved details and be retained as such in perpetuity.

REASON: In the interest of the character and appearance of the conservation area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

19 Boundary Treatment

Prior to the first occupation of any dwelling hereby approved, details of the siting, height, design and materials of the treatment of all boundary treatments including gates, fences, walls, railings and piers shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatments shall be constructed prior to the first occupation of the dwelling to which it relates, or first use of adjoining land, and be retained as such thereafter for the duration of the development.

REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area and ensure satisfactory residential amenity, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.

20 Surface Water Drainage Scheme

Prior to the commencement of any development hereby approved, a detailed Surface Water Drainage Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include

- Detailed design drawings, long sections and cross-sectional drawings in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements
- A runoff discharge rate restricted to the greenfield 1 in 1 year rate or 1l/s (whichever is higher)
- Details of permeable and impermeable paving and hardstanding, maximising permeable coverage
- Each dwelling hereby approved fitted with a water butt
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, which shall not increase the offsite flood risk

The development shall be implemented in accordance with the approved surface water drainage scheme prior to the first occupation of any residential dwelling hereby approved and retained as such for the lifetime of the development thereafter.

REASON: To prevent flood risk and ensure that the development is provided with a satisfactory means of disposal of surface water and to minimise the risk of pollution, in accordance with Policy D5 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

21 Surface Water Drainage Maintenance Scheme

Prior to the first occupation of any dwelling hereby approved, a maintenance scheme detailing the maintenance arrangements of the Surface Water Drainage Scheme secured by Condition 20 of this notice, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to, and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

The development shall be carried out and maintained in accordance with the approved details.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

22 Foul Drainage Scheme

Prior to the commencement of any development hereby permitted, drainage plans for the disposal of foul water shall be submitted to, and approved by, the Local Planning Authority. The means of foul water disposal shall be installed as approved and maintained thereafter as approved.

REASON: To ensure that the development is provided with a satisfactory means of disposal of foul water and to minimise the risk of pollution, in accordance with Policy D5 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

23 Offsite Flooding

Prior to the commencement of development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme, with any prevention or mitigation measures in place at all times required by the scheme during construction works.

REASON: To prevent flood risk at construction stage and prevent contamination or pollution to residents or ecology, in accordance with Policies D1, D5 and N2 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

24 Waste Management Plan

Prior to the first occupation of any dwelling hereby approved, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan shall include bin drag distances to collection point, storage buildings, and storage building details and locations with container sizes for refuse and recycling. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

REASON: To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.

25 Photovoltaic Panels

Prior to the occupation of any dwelling hereby approved, full details of photovoltaic panels, mounting frames and any associated equipment shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- Panel dimensions and specifications
- Height above roof level (demonstrated through section drawings)
- Colour, finish and surface treatment
- Mounting angle and method of installation
- Inverter units, switchgear and supporting infrastructure

The photovoltaic panels shall thereafter be installed prior to the first occupation of the relevant dwelling which they are attached to, and retained in

accordance with the approved details thereafter for the lifetime of the development.

REASON: To provide sustainable energy to the development, protect the amenity of neighbouring occupiers and future residents, and to ensure that the equipment is appropriately designed to protect the character of the area, in accordance with Policies S1, D1, D2 and D4 of the Maldon District Local Development Plan (2017).

26 Removal of Permitted Development Rights

Removal of Permitted Development Rights Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions, separate buildings, gates, walls, fencing or hardstanding shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

INFORMATIVES

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (a) Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
2. The Highways Authority (Essex County Council) advise that:
 - i. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
 - ii. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
 - iii. There shall be no discharge of surface water from the development onto the Highway.

- iv. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- vi. An associated previous application performed a Stage 1 Road Safety Audit by RKS Associates. The report assessed that the proposal will provide a suitable vehicle access in accordance with current standards, onto Broad Street Green Road.