

PLANNING STATEMENT

Land to the North-West of
Hurndall Avenue and Anchor Way,
North Farnbridge, Maldon

On behalf of BDW Trading Limited

December 2025

Site Name	Land at North Farnbridge
Client Name	BDW Trading Limited
Type of Report	Planning Statement
Prepared by	Sav Patel/David Fletcher
Checked by	David Fletcher
Revision	02
Date	December 2025

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Appendix A – Connectivity and Amenities Plan, prepared by G2Studio (drawing no.22-0122-CP2)

Appendix B – Benferri Developments – Glebe Meadow, land east of Vicarage Court, Southminster dated 19 September 2025 2025 (appeal reference APP/X1545/W/25/3367409

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Appendix D – Timetable of train services

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1. INTRODUCTION

- 1.1 This planning statement has been prepared by Ceres Property on behalf of BDW Trading Limited in relation land to the north-west of Hurndall Avenue and Anchor Way, North Fambridge.
- 1.2 The site spans approximately 15.08 hectares and lies to the north and west of the settlement of North Fambridge.
- 1.3 The planning application seeks outline planning permission for the following:

Outline application with all matters reserved other than access for the erection of up to 198 dwellings, provision for non-residential uses comprising of uses within use class E, F1 or F2, with associated open space, allotments and infrastructure

- 1.4 The detailed matters relating to design, scale, layout, and landscaping are reserved from consideration at this stage. These details will be provided subject to obtaining outline planning permission. Detailed consent is sought in respect of the two vehicular access points from the site to Hurndall Avenue and Anchor Way. To assist with the consideration of the proposed development, this application is supported by a Design and Access Statement, a set of parameters plans, and a concept layout plan, to demonstrate how the site could come forward and to help inform the reserved matters stage.
- 1.5 This outline planning application has been submitted following pre-application advice from officers at Maldon District Council ('the Council') as well as other key stakeholders such as Natural England, Essex County Council and North Fambridge Parish Council. A summary of the pre-application engagement that has been carried out is contained in the Statement of Community Involvement which supports this application.
- 1.6 The planning application is also accompanied by the relevant technical documents (such as ecology, drainage, highways) and plans that are required to validate the application. Whilst the proposal is only for outline permission with all matters reserved except for access, to help provide some certainty at this stage and guide any future reserved matters details, the following plans are for formal consideration:

- Location Plan (25-0122-001), prepared by G2;
- Concept Parameter Plan (25-0122-01 rev G), prepared by G2;
- Access & Movement Parameter Plan (25-0122-02 rev E), prepared by G2;
- Building Heights Parameter Plan (25-0122-03 rev D), prepared by G2;
- Green Infrastructure Parameter Plan (25-0122-04 rev E), prepared by G2; and
- Site Access Plan (0003 rev P01), prepared by LDE (Part of RSK Group);

1.7 All other plans contained in the application are for illustrative purposes.

1.8 This Planning Statement includes an assessment of the planning merits of the proposals having regard to local and national policies, including other material consideration, having particular regard to the urgent need to deliver new market and affordable homes in Maldon District. It also sets out the planning justification for the proposals with reference to the detailed supporting technical reports, assessments, and plans.

Background

1.9 The site itself does not benefit from any relevant planning history. However, the site to the south-east has been developed for housing by the applicant previously.

1.10 On 18 March 2016, the applicant obtained outline planning permission (ref: 14/01016/OUT) from Maldon District Council ('the Council') for the 75 dwellings on the land west of Fambridge Road. Following reserved matters approval (19/00252/RES & RES/MAL/17/00776), the development has been built out and occupied. In addition, a full planning application (ref: 21/00104/FULM) was submitted and approved in 2021 for 12 additional dwellings, on the land that was originally approved for commercial use. These dwellings have also been built out and occupied.

Environmental Impact Assessment

1.11 The applicant formally applied to the Council on 13 August 2025 to request their EIA Screening Opinion on the proposed development. The Council's Screening Opinion letter (ref: 25/00737/SCR), received on 3 September 2025, confirmed that the proposed development of up to 250 dwellings on the site with associated community and retail use, would not have a significant environmental impact to the extent that it would require the submission of an Environmental Impact Assessment.

- 1.12 The applicant has also sought the advice of Natural England to understand the implications and requirements for the proposed development, to mitigate recreational pressure on the nearby Special Conservation Areas (SPAs). Natural England have requested High Quality Accessible Semi-Natural Green Space to be provided on site, in an area where dogs can be kept off leads. This has been proposed in the form of 3.8ha of High Quality, Accessible, Semi-Natural Green Space, along with a 2.4km circular walk to the north of the site.
- 1.13 The revised proposal incorporates a range of ecological enhancement and mitigation measures. These measures have been informed by recommendations from Natural England and the applicant's ecology consultants, ensuring that the development supports biodiversity and minimises adverse effects on the surrounding environment.

Scope of Submission

- 1.14 This outline planning application has been prepared in accordance with the national and local validation requirements. The submission documents have been used to prepare and inform this planning statement. The planning statement provides a summary of the key matters and outcomes from the technical documents and demonstrates how the proposal complies with the relevant national and local plan policies.
- 1.15 The submission documents that support this application are set out below:

Plans/Documents	Notes	Prepared by
Application Forms and Notices		Ceres Property
Affordable Housing Statement (Included within this Planning Statement)		Ceres Property
Air Quality Impact Assessment	To follow submission	24 Acoustics
Arboricultural Impact Assessment/Tree Survey		Lanpro
Biodiversity Net Gain Statement and Metric	Metric to follow submission	Lanpro
Ecology Impact Assessment		Lanpro
Ecology Impact Assessment Addendum	To follow submission	Lanpro
Habitat Regulations Assessment (Shadow)	To follow submission	Lanpro

Plans/Documents	Notes	Prepared by
Flood Risk Assessment and Drainage Strategy (surface water and foul water)		RSK
Health Impact Assessment		Ceres Property
Land Contamination/Geo Technical Assessment		Gemco
Landscape and Visual Appraisal		Lanpro
Planning Statement		Ceres Property
Noise Assessment		24 Acoustics
Draft Heads of Terms		Ceres Property
Statement of Community Involvement		GNL
Transport Assessment		RSK
Public Transport Strategy		RSK
Desk Based Heritage Assessment		RPS Consulting Services
Design and Access Statement		G2 Studio

2. SITE & SURROUNDINGS

- 2.1 This section of the statement provides an overview of the site and its surroundings.
- 2.2 The site comprises mainly arable land, spanning 15.08 hectares, and lies adjacent to the existing settlement. The northern boundary of the site is defined by a railway line, to the west is a hedgerow and Public Right of Way. To the east is existing housing along Stephenson's Road, Armstrong Way and Hurndall Avenue. To the south are existing residential dwellings in Mayfields/Church Road/The Avenue.

Sustainable Location of the Site

- 2.3 The site is located within a short walking distance of North Fambridge railway station and local services and facilities.
- 2.4 North Fambridge benefits from a range of services and amenities including a train station, Holy Trinity Church, village hall, recreational ground, nursery, and public house. North Fambridge is one of four settlements in Maldon that benefit from a railway station. The others being Althorne, Burnham-on-Crouch, and Southminster.
- 2.5 In respect of transport, North Fambridge railway station, which is located south of Franklin Road and east of Fambridge Road, it lies approximately 350 metres from the site at its nearest point. The station provides regular services to Wickford, Southminster, and London Liverpool Street during peak periods.
- 2.6 The nearest bus stop on Fambridge Road, adjacent to Stephenson Road, is approximately 300 metres from the site at its nearest point and provides bus services to Burnham-on-Crouch, Chelmsford, Southminster, South Woodham Ferrers, and Bradwell, as well as other nearby towns and villages.
- 2.7 Pedestrian and Cycle Access to the train station can be provided from the site via Armstrong Way, Hurndall Avenue, and Anchor Way.

- 2.8 North Fambridge is located in very close proximity to larger settlements, and it is approximately 5km to the east of South Woodham Ferrers, 13km to Burnham-on-Crouch, and 10km to the south of Maldon.
- 2.9 South Woodham Ferrers is only a 5-minute train journey. After the City of Chelmsford, South Woodham Ferrers is the main town in the Chelmsford City Council's area and as such benefits from a wide range of services and facilities. These include a number of primary schools and a secondary school, supermarkets (such as Asda, Sainsbury, Co-operative), GP and dentist surgeries, beauty salons, hairdressers, barbers, cafés, restaurants, public houses, leisure centre, gyms, skatepark, adventure park, zoo, football club, bowls club, rugby club, commercial estates, amongst others. The vast majority of which are located within walking distance from the railway station.
- 2.10 To illustrate the range of services and facilities in North Fambridge and the site's proximity to these, and the range of services and facilities in South Woodham Ferrers and connections to the town, a Connectivity and Amenities Plan, prepared by G2Studio (drawing no.22-0122-CP2), is contained in Appendix A. The plan demonstrates that all day-to-day services are in or within 3 miles (5km) of North Fambridge and the site. The services and facilities in North Fambridge are within walking and cycling distance of the site, and South Woodham Ferrers can be accessed easily by public transport.

Technical Matters

- 2.11 The site is currently arable land. The majority of the site is formed of two arable fields, which are situated to the west and north-west to the current BDW Phase 1 development at Hurndall Avenue/Blackwater Road. The north-east part of the site includes a small, wooded area to the west of Armstrong Road, along with some inter-dispersed trees. There is a small area of land towards the north of the site, which is under separate ownership and it is not included within the planning application.
- 2.12 The majority of the boundaries to the site are defined by hedgerow planting and vegetation, which is described in further detail within the Landscape and Visual Assessment and Arboricultural Impact Assessment that accompanies this planning application.
- 2.13 The site is located within Flood Zone 1, where there is a low risk of fluvial or tidal flooding. The site is also at low risk of surface water flooding.
- 2.14 The site is not subject to any ecological, heritage or landscape designations.

- 2.15 The Crouch & Roach Estuaries is designated as a Special Protection Area (SPA), a Special Area of Conservation (SAC), a Special Site of Scientific Interest (SSSI), and Ramsar Site (Conservation Designation for Wetlands), which is located over 300 metres at its nearest point to the south-west of the site's western boundary.
- 2.16 A Public Right of Way (PRoW, FP/2/256) spans along the western boundary of the site and extends northwards over the railway line and southward into Church Road.
- 2.17 In respect of heritage, as detailed within the Heritage Assessment that accompanies this application, no designed archaeological heritage assets or schedule ancient monuments lie within the study site or its immediate vicinity. The site does not contain any designated or non-designated heritage assets. The closest heritage asset to the site is North Fambridge Hall, which is approximately 136 metres from the site at its nearest point but, as a result of intervening modern development and landscaping is not readily visible from the site.
- 2.18 A further overview of the site and its surrounding is set out within the Design & Access Statement prepared by G2 and the Landscape Visual Assessment, prepared by Lanpro.

Planning History

- 2.19 The site itself is not subject to any planning history. As detailed within the introduction the site is adjacent to BDW Phase 1, which obtained outline planning consent under application reference 14/01016 in 2016.
- 2.20 Below is a schedule of the relevant planning history in respect of the adjacent, now completed, BDW Phase 1 development:

Application ref:	Site and description	Decision
21/00104/FULM	Land West Of Fambridge Road North Fambridge Essex - 12No. dwellings with associated details for access, appearance, landscaping, layout and scale.	Approved – 17 November 2021
20/00787/FUL	Land West Of Fambridge Road North Fambridge Essex - Full planning application for 10No. dwellings with associated details for access, appearance, landscaping, layout and scale.	Withdrawn – 11 November 2020
19/00252/RES	Land West Of Fambridge Road North Fambridge Essex - Reserved matters application for the approval of appearance, landscaping, layout & scale for approved application OUT/MAL/14/01016 (Outline planning application for up to 75	Approved – 29 May 2019

Application ref:	Site and description	Decision
	market and affordable dwellings, a village centre of up to 1,000 sqm of flexible commercial and community floorspace, a 1.8ha village green and public open space).	
17/00776/RES	Land West Of Fambridge Road North Fambridge Essex - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sqm of flexible commercial and community floorspace, a 1.8ha village green and public open space.)	Approved – 6 February 2018
14/01016/OUT	Land West Of Fambridge Road North Fambridge Essex – Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.	Approved – 18 March 2016
14/00186/OUT	Land West Of Fambridge Road North Fambridge Essex – Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace and a 1.8ha village green and public open space.	Refused – 11 August 2014

3. DESCRIPTION OF PROPOSAL

3.1 This outline planning application seeks planning permission for the following:

Outline application with all matters reserved other than access for the erection of up to 198 dwellings, provision for non-residential uses comprising of uses within use class E, F1 or F2, with associated open space, allotments and infrastructure

3.2 The proposal includes the following elements:

- Up to 198 dwellings of a mix of sizes and types to be defined at reserved matters stage;
- 40% affordable housing to meet local need;
- Open space provision, including high quality accessible semi-natural green space, Locally Equipped Area of Play (LEAP), and Local Area of Plan (LAP), green corridor along the site boundaries and allotments area;
- Extensive soft landscaping, including tree planting;
- Retail area (Class E use);
- Land reserved for a community/medical centre area (Class F use);
- Sustainable Urban Drainage features;
- Pedestrian and shared cycle footpaths around the site and linking into existing connections;
- New vehicular access points via the existing housing development on Hurndall Avenue and Anchor Way, which is applied for in detail as part of this application.

3.3 The exact floor space of the non-residential uses - community/medical centre and retail unit will be defined at reserved matters stage. Based on experience of delivering similar uses, a total floor space for the retail and community/medical space combined is likely to be 300 square metres, but allowance has been made for a maximum of 400 square metres of floor space combined between the uses.

3.4 In addition, as part of the proposals it is proposed to provide an off 2.4km circular walk on land to the north of the site to be used as a circular walking route.

Parameters plans

- 3.5 The proposal seeks outline planning permission for up to 198 dwellings with all matters reserved except for access. Therefore, the number of dwellings, the design, the type, the scale, the layout and landscaping, are matters reserved for the next stage. The main purpose of this application is to establish if the principle of residential development for up to 198 dwelling is acceptable. However, to assist officers with the consideration of the proposed development, a set of parameters plans have been submitted which have been informed by discussions with key stakeholders.

Access

- 3.6 As shown on the relevant Site Access Plan (0003 re P01), prepared by RSK, the site benefits from two vehicular access points, which are applied for in detail as part of this application. The site vehicular access will be provided from Hurndall Avenue and Anchor Way, to include a new pavement on both sides of the vehicular access.
- 3.7 At the time of writing, Hurndall Avenue and Anchor Way, although being full constructed, are not yet adopted public highway. Subject to the finalisation of a relevant Section 278 agreement. They are likely to become adopted public highway in 2026. For completeness the red line of the application includes Hurndall Avenue and Anchor Way to demonstrate connection to the adopted public highway of Farnbridge Road to the east. No changes or work is proposed to Hurndall Avenue or Anchor Way, other than the new access points shown on the Site Access Plan.
- 3.8 A separate cycle and pedestrian connection is proposed to and from the site from Armstrong Way. This does not form part of the detail of the application and it will be worked up at reserved matters stage.

Concept Plan

- 3.9 As shown on the Concept Parameter Plan (25-0122-01 rev G), the proposed scheme follows a landscape/open space led approach. The plan shows several residential parcels connected by a looped spine road that are separated by areas of open space and green corridors. The new primary road will link into the existing connections at Hurndall Avenue and Anchor Way. Secondary routes will be provided off the primary street to serve the residential parcels. Street trees will line parts of the spine road, and footpath connections/shared cycleways will feed off the spine road to allow

residents to walk or cycle around the site. Footpaths connections are also proposed to the west of residential parcels connect into the PRoW along the west boundary and to provide access to the wider countryside.

- 3.10 Each residential parcel will be buffered by green landscaping and large areas of open space which are within close proximity. The LEAP and LAP are positioned centrally within the site so that they are accessible to all residents. The largest area of open space is proposed adjacent to the railway line which will be provided as an area of high quality semi-natural accessible green space, where dogs can be kept off a lead. Three Sustainable Urban Drainage System attenuation areas are proposed, which will be dry and therefore useable open space.
- 3.11 The retail unit is proposed to be located adjacent to the main access via Hurndall Avenue and the land for the community/medical centre is proposed to be located close to the Anchor Way access, where it will also benefit from convenient cycle and pedestrian access from Armstrong Way.

Access & Movement Plan

- 3.12 The Access & Movement Plan (25-0122-01-rev P01) shows the primary loop road, which will be a two way street and the indicative locations of the secondary access points. The spine road will also provide linkages and connections with the pedestrian footpaths. The footpaths will also link into the existing PRoW along the western boundary, which will benefit the future occupiers and existing residents. As set out above, a shared cycleway/pedestrian route is also proposed to the site from Armstrong Way as shown on the Access and Movement Plan.
- 3.13 The main spine road shall provide the main access to the retail area and community/medical centre. A new pedestrian and cycle link shall also be provided that links onto Farnbridge Road via Armstrong Road.

Building Heights

- 3.14 The Building Heights plan (25-01221-03 rev D) shows the general location of the storey heights across the site. The storey heights are proposed to range from single-storey to 2½ storey. The main storey height will be two-storey and this will include the retail area and community/medical centre.
- 3.15 The range of storey heights will provide a visual mix of dwellings to meet local need from first time buyers to those looking to upsize or downsize. The 2½ storey dwellings are proposed to be located

in central locations fronting the spine road, and the single-storey dwellings are proposed to be located adjacent to the southern boundary, to respond to the existing single-storey dwellings in Mayfields.

- 3.16 The buildings height will reflect the prevailing built form and particularly those dwellings built out by the applicant to the south-east of the site.

Green Infrastructure Plan & Landscape Plans

- 3.17 The Green Infrastructure Plan (25-01221-04 rev E) shows the areas of public open space, including play provision that will be provided on site. This should be viewed in conjunction with the relevant Green Space Plan and Landscaping Plans prepared by Lanpro.
- 3.18 In total, approximately 6.46 hectares of public open space is provided on the site. Of this open space, 3.8 hectares will be provided as High Quality Accessible Semi-Natural Green Space, where dogs can be kept off leads. The High Quality Accessible Semi-Natural Green Space is situated to the north of the site (3.07 hectares) as shown on the Green Space Open Plan, with a further 0.72 hectares of High Quality Accessible Semi-Natural Green Space provided to the south-west boundary of the site.
- 3.19 A large area of open space is proposed centrally within the site as an amenity grassland area. An allotment area is proposed to the east of the site and the existing wooded area to the east of the site (to the north of Anchor Way) will be retained and managed. Generous green corridors are proposed around the site to ensure the development is well set back from existing residential dwellings and also set back from the footpath and hedgerow to the west of the site.

Pre-Submission Consultation

- 3.20 Full detail on the engagement undertaken with the community and local stakeholders is set out within the Statement of Community Engagement, prepared by GNL. This section of the report provides an overview of engagement undertaken with key statutory bodies, such as Maldon District Council, Natural England, Essex County Council, Place Services Ecology, and the Highway Authority.

Engagement with Maldon District Council

3.21 Prior to the submission of this outline planning application, the applicant applied to the Council for their pre-application advice on a scheme of up to 250 dwellings to gauge officers views on the principle of residential development on the site. A meeting with the Case Officer was held on 2 July 2025 to discuss the proposals. Following the meeting, further information was submitted to respond to some of the issues raised at the meeting, most notably the sustainability of the site. A Sustainability Statement, along with a Connectivity and Amenities Plan, was prepared and submitted to demonstrate the site's potential as a sustainable location for consideration by officers. The case officer's written pre-application letter was received on 22 July 2025. It made the following key comments:

- The site lies outside the settlement boundary and so is contrary to policies S1 and S8 which seeks to protect the intrinsic character and beauty of the countryside;
- The design and layout should reflect a continuation of the existing development to the south-east.
- The proposed layout should include accessible play-space areas, open space, and surface water drainage ponds.
- The quantum of development should look to deliver more services and amenities for the village which may assist with the sustainability issue.
- Considerations needs to be given to any dwellings close to the railway line in terms of noise and disturbance from passing trains.
- Landscape and Visual Impact Assessment is required to assess the impact on the landscape.
- Car and cycle parking provision should be informed by the Council's parking standards.
- The Highway Authority at Essex County Council should be consulted.
- Ecological report should accompany any future planning application, including biodiversity net gain, and payment towards Essex RAMS for mitigating the impact of the development.

3.22 Following the meeting with Maldon District Council, the applicants have made a number of amendments to the scheme. This includes reducing the dwelling numbers to 198 dwellings, providing a greater set back of the development from the railway line, inclusion of non-residential facilities including land for the community hall/medical centre and retail unit within the application and preparing a detailed public transport strategy to improve access to buses from the site. This is set out in further detail in section 5.

Engagement with Place Services Ecology

3.23 A separate request for pre-application was also made to seek ecology advice from the Natural Environment Manager at Place Services. The purpose of this was to scope the ecology surveys that will be required to support the application. A meeting with the Council's ecology advisor was arranged for 17 July 2025 and their written response issued on 25 July 2025. The key comments are set out below:

- To assess the predicted increase in recreational disturbance on nearby Habitat sites and to liaise with Natural England regarding mitigation measures.
- To provide a shadow Habitats Regulation Assessment (HRA) to help inform the Council's project-level HRA.
- To assess the potential impact on Crouch & Roach Estuaries SPA and Ramsar and the internationally important wintering numbers of dark-bellied brent goose as there could be a function link with the arable field being less than 0.5km from the SPA and Ramsar boundary.
- Suitable wintering bird survey should be undertaken to inform the need for any off-site compensation.

3.24 Further advice was provided on European and UK Protected Species to help inform the scope of works for the ecological assessment and surveys, and Biodiversity Net Gain assessment.

Engagement with Natural England

3.25 Alongside the engagement with the Council's ecology advisor, the applicant also engaged with Natural England ('NE') through their discretionary advice service, to scope the requirements for the wintering bird surveys and recreational disturbance. A meeting with NE was arranged on 10 September, with a further meeting held on the 25 November 2025. The final written comments which consolidated the discussions was received on 4 December 2025. The meetings with Natural England were fundamental to the development. Following meetings with Natural England the parameter plans and landscape plans were up dated to include provision for on-site high quality semi-natural accessible green space and a 2.41km circular walk to the north of the site. These measures are proposed to minimise recreational disturbance to the Essex Coast SPA and RAMSAR site to the south.

3.26 The Recreational Disturbance Mitigation proposed includes the following:

- Pay Essex Coast RAMS tariff (£169.45 per dwelling).
 - Provide 3.8ha of on-site green space (meets NE standard of 8ha/1000 population).
 - Include a 2.41 km circular walking route, secured via Section 106 for at least 80 years.
 - Green space and walking route must be available before first occupation; secure via planning condition.
 - Provide dog waste bins, signage, waymarking, and information leaflets; ensure long-term maintenance.
- 3.27 In addition, advice was sought from Natural England in respect to the scope of the ecology surveys. Further detail is provided within the Ecology Surveys prepared by Lanpro.
- 3.28 The pre-application discussions have helped to inform and refine the parameters plans and agree the requirements for the ecology and biodiversity work.

Highway Authority

- 3.29 The applicant's transport consultants have engaged with Essex County Highway Authority to seek their views on the proposed development and scope any off site highway works that would be required to minimise any highway safety issues from the proposed development. As detailed within the Transport Assessment, this included liaison with ECC Highways on the scope of off-site junction assessments, scoping of the transport assessment and meeting with them to discuss the public transport strategy. This is detailed in full within the Transport Assessment.

Community Consultation

- 3.30 As detailed within the Statement of Community Involvement, prepared by GNL, the applicants understood detailed public engagement. This included three meetings with North Fambridge Parish Council, which included a public meeting held on the 8th September 2025. A website was set up, where local residents and stakeholders had the opportunity to respond to the consultation. A number of positive changes were made to the scheme to respond to concerns raised, as detailed in full within the Statement of Community Involvement.
- 3.31 A full summary of the pre-application engagement with the local community and North Fambridge Parish Council is contained within the Statement of Community Involvement.

4. PLANNING POLICY CONSIDERATIONS

- 4.1 Section 38 (6) of the Planning and Compulsory Act 2004 (as amended) requires that if regard is to be had to the development plan, for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 The relevant local and national policies and other material considerations are set out below.

Development Plan

- 4.3 The development plan for Maldon District comprises the Maldon Local Development Plan ('LDP') which was adopted in July 2017. It sets out the policies for managing development between 2014 – 2029.
- 4.4 The LDP is supported by a number of Supplementary Planning Documents (SPD's) which are also material considerations.
- 4.5 The following other relevant planning documents are considered relevant to this assessment:
- Maldon District Design Guide (MDDG) SPD 2017
 - MDC Renewable and Low Carbon Technologies SPD 2018
 - Specialist Needs Housing SPD 2018
 - Maldon District Vehicle Parking Standards SPD 2019
 - Affordable Housing and Viability SPD 2019
 - Green Infrastructure Strategy SPD 2019
 - Essex Coast Recreation Disturbance Avoidance and Mitigation SPD 2020
 - MDC Statement of Community Involvement 2021
- 4.6 In relation to the Recreation Avoidance and Mitigation Strategy, it is understood, following pre-application discussions with Natural England, that this strategy is currently being updated.

Therefore, due regard has been made to the requirements of the Adopted Strategy and also the requirements of Natural England in respect of the emerging strategy within this planning application.

- 4.7 The Council are currently in the process of a Local Development Plan Review, which is at early stages and cannot be given any material weight in planning terms. Therefore, the policies in the adopted plan are relevant for decision-making purposes, unless otherwise stated.
- 4.8 The key relevant policies for this application are considered to be as follows:
- 4.9 **Policy S1: Sustainable Development** - The Council will take a positive approach to development proposals that reflects the presumption in favour of sustainable development. Where relevant policies are out of date, it states that the Council will grant permission, unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 4.10 **Policy S2: Strategic Growth** - The Council will promote sustainable development to deliver economic and residential growth, whilst protecting and enhancing the District's natural built, and historic environment. The Policy seeks to focus on the majority of strategic growth to the three towns, in the form of garden suburbs and strategic allocations.
- 4.11 **Policy S7: Prosperous Rural Communities** - The Council will actively seek to support and facilitate sustainable economic development within villages.
- 4.12 **Policy S8: Settlement Boundaries and the Countryside** - The Council will support sustainable developments within the defined settlement boundaries. Outside the defined settlement boundaries, development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted.
- 4.13 **Policy D1: Design Quality and Built Environment** - Sets out the requirements for development to respect and enhance the character and local context and make a positive contribution in respect of design detail.
- 4.14 **Policy D2: Climate Change & Environmental Impact of New Development** - Developments must be sustainable and mitigate against adverse environmental impacts and climate change. Development must incorporate sustainable construction and design measures, ensure an efficient use of resources and the inclusion of green infrastructure.
- 4.15 **Policy D5: Flood Risk and Coastal Management** - The Council's approach is to direct growth towards areas in Flood Zone 1. Development must not increase flood risk elsewhere and demonstrate how

it will maximise opportunities to reduce flood risk through appropriate measures, such as Sustainable Drainage Systems (SuDS).

- 4.16 **Policy E3: Community Services and Facilities** - The policy seeks to retain and enhance the provision of community services and facilities. New development proposals are expected to contribute towards the provision of community facilities where increased need will arise.
- 4.17 **Policy H1: Affordable Housing** - All housing developments of more than 10 units are expected to contribute towards affordable housing provision. The amount of affordable housing requirement is subject to the site's location in the sub-areas set out in Figure 7 of the policy. The amount ranges between 25% to 40%.
- 4.18 **Policy H2: Housing Mix** - All developments will be expected to provide a suitable mix and range of housing in terms of size, type, and tenure, to reflect local housing need and demand in both the market and affordable sector, particularly the needs for an ageing population.
- 4.19 **Policy N1: Green Infrastructure Network** - All developments must maximise opportunities to enhance the District green infrastructure network and also maximise opportunities to integrate green infrastructure with other types of land uses.
- 4.20 **Policy N2: Natural Environment, Geodiversity and Biodiversity** - All development should seek to deliver net biodiversity gain where possible. Ecologically sensitive design features should also be incorporated.
- 4.21 **Policy N3: Open Space, Sport and Leisure** - Requirements for new open space, buildings, or sports infrastructure, associated with development will be subject to the CIL tests.
- 4.22 **Policy T1: Sustainable Transport** - seeks to secure the delivery of sustainable transport infrastructure. Priority should be given to pedestrians, wheelchairs, cyclists, and public transport, over private vehicles. Transport Assessments and Statements will be required. Travel plans will also be required for proposed development as appropriate.
- 4.23 **Policy I1: Infrastructure and Services** - Developers will be required to contribute towards local and strategic infrastructure and services necessary to support proposed development. Impacts may be mitigated through a Section 106 contribution.
- 4.24 **Policy I2: Health and Wellbeing** - All residential development in excess of 50 dwellings is required to undertake a health impact assessment to demonstrate there are no significant adverse impacts which cannot be adequately mitigated through planning obligations.

Other Relevant Documents

4.25 The following other Council published documents are also considered to be of relevance to this application:

- Local Housing Needs Assessment, May 2021
- Rural Facilities Survey and Settlement Pattern, May 2023
- Five Year Housing Land Supply Statement, April 2024

National Planning Policy Framework (NPPF, December 2024)

4.26 The NPPF sets out the Government's planning policies for England and provides a strong basis for supporting housing delivery. The following key provisions are particularly relevant to this proposal:

4.27 Presumption in Favour of Sustainable Development (Paragraph 11) - The NPPF requires plans and decisions to apply a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where relevant policies are out-of-date—such as where the local authority cannot demonstrate a five-year housing land supply—the presumption applies unless adverse impacts significantly and demonstrably outweigh the benefits.

4.28 Achieving Sustainable Development (Paragraphs 7–10) - The NPPF identifies three overarching objectives; economic, social, and environmental. The social objective includes supporting strong, vibrant communities, by ensuring that a sufficient number and range of homes are provided to meet present and future needs. This proposal directly addresses that objective by delivering up to 198 dwellings, including 40% affordable housing.

4.29 Delivering a Sufficient Supply of Homes (Chapter 5) - Local planning authorities are required to identify and maintain a five-year supply of deliverable housing sites and to significantly boost the supply of homes. The NPPF encourages a mix of housing types and tenures, including affordable housing, and supports opportunities for small and medium-sized sites to diversify supply. This scheme contributes to meeting Maldon District's housing needs and addresses the current shortfall in supply.

4.30 Housing Delivery Test and Tilted Balance – Where authorities fail to meet the Housing Delivery Test or cannot demonstrate a five-year housing land supply, the NPPF applies the “tilted balance,” giving

significant weight to the benefits of housing delivery. Maldon District currently cannot demonstrate a five-year supply, meaning the presumption in favour of sustainable development is engaged.

- 4.31 Effective Use of Land and Sustainable Transport – The NPPF promotes making effective use of land and prioritising development in locations that are sustainable, accessible, and well-connected. The site is adjacent to the existing settlement and within walking distance of North Fambridge railway station and bus services, aligning with these principles.

Ministry of Housing, Communities and Local Government (MHCLG), Press Release, 18th November 2025:

- 4.32 The Press Release titled *"Housebuilding around train stations will be given default 'yes'"* by The Minister of Housing, Communities and Local Government, MP Steve Reed, and MP Rachel Reeves, dated 18 November 2025, is also considered to be a material consideration to this application and it is understood that further detail in this regard is due to be published shortly. This is assessed further within the planning assessment section.

5. PLANNING ASSESSMENT

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this context, the National Planning Policy Framework (NPPF) is a material consideration of significant weight.
- 5.2 The NPPF confirms that the purpose of the planning system is to achieve sustainable development. Paragraph 38 further advises local planning authorities to approach decisions on proposed development positively and creatively, stating that decision-makers at all levels should seek to approve applications for sustainable development wherever possible.
- 5.3 The key planning issues relevant to the determination of this outline planning application are considered to be as follows:
- Principle of Development and Housing Supply;
 - Access and Highways;
 - Design and Layout Parameters;
 - Housing Mix and Affordable Housing Provision;
 - Landscape Impact;
 - Residential Amenity;
 - Other technical matters
 - Arboriculture, Ecology, and Biodiversity;
 - Flood Risk and Drainage;
 - Ground Conditions and Heritage;
 - Noise and Air Quality
 - Heritage
- 5.4 This assessment shall demonstrate how the proposed development will provide significant economic, social, and environmental benefits and, as such, why the application should be approved.

Principle of development and housing land supply

- 5.5 As set out in paragraph 5.1 above, all planning applications should be considered in accordance with the Development Plan unless material indications indicate otherwise.
- 5.6 Paragraph 78 of the National Planning Policy Framework (NPPF) requires all local planning authorities to maintain a five-year supply of deliverable housing sites. This means councils must identify and demonstrate that sufficient land is available and suitable for development to meet projected housing needs over the next five years. Where authorities cannot demonstrate this supply, in accordance with paragraph 11 of the NPPF, their housing policies are deemed out of date, and the presumption in favour of sustainable development applies. In such cases, planning permission should be granted unless the adverse impacts of development significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole.
- 5.7 Maldon District Council currently cannot demonstrate a 5 year housing land supply with the most recent position confirming that the Council can only demonstrate around 2.6 to 2.7 years housing land supply. This was confirmed on a recent appeal decision on behalf of Benferri Developments, regarding land east of Vicarage Court, Southminster, dated 19 September 2025 (appeal reference APP/X1545/W/25/3367409 refer to Appendix B). This position was also confirmed in a very recent committee report in respect of land adjacent to the Westering's, Purleigh (application references 25/00473/OUTM and 25/00474/OUTM), which was considered at planning committee on the 5 November 2025. Please refer to Appendix C.
- 5.8 Consequently, the Council's strategic housing policies are not up to date, and policies S2 and S8 of the Adopted LDP have limited or no weight in planning terms. The "tilted balance" and the presumption in favour of sustainable development applies. In this context, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 5.9 This housing land supply shortfall is not considered to be marginal; it represents a very acute housing land supply shortfall. The proposed development of up to 198 dwellings will make a substantial contribution to addressing the District's housing need and therefore carries very substantial weight in favour of the proposed development. This includes the delivery of 40% affordable housing, which will provide approximately 79 affordable houses. North Farnbridge as a settlement has a very limited number of existing affordable houses within the village and it is

therefore a settlement with a high need for additional affordable houses. The delivery of the affordable houses also carries very substantial weight in planning terms.

- 5.10 In terms of delivery, Barratt David Wilson (Eastern Counties) are a leading national housebuilder with a very strong proven record in the delivery of major housing sites, including the Phase 1 development that is adjacent to the site. If outline planning consent is granted it would be the intention of BDW to commence quickly with the submission of a reserved matters application. The development would be built out in one phase with a construction programme of approximately 2 years. Therefore, the development would be fully built and occupied within the next 5 years.
- 5.11 Accounting for Maldon District Council's very limited progress on the emerging Local Plan, it is not considered that there is any reasonable prospect of the housing land supply position improving in the short to medium term. Therefore, the delivery of this site within the next 5 years should be given very substantial weight.
- 5.12 In accordance with paragraph 11 of the NPPF, it is therefore important to consider if the adverse impacts of the development demonstrably outweigh the benefits when considered against the NPPF as a whole.

Sustainable Location of the Site

- 5.13 Point 13 of Policy S1 seeks to minimise the need to travel and, where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community. This aligns with paragraph 110 of the NPPF which states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.
- 5.14 This has been further re-enforced by the government's intention to support housing development close to well-connected rail stations, which is set out in the proposed reforms and other changes to the planning system. The reforms and changes are being consulted on in the recently published NPPF consultation document which was published on 16 December 2025.
- 5.15 Draft policy S5: Principle of development outside settlements in the consultation NPPF states:

Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any

adverse effects, when assessed against the national decision-making policies in this Framework [amongst other parts]:

h. Development for housing and mixed-use development which would be: within reasonable walking distance of a railway station which provides a high level of connectivity to jobs and services²⁶; physically well-related to a railway station or a settlement within which the station is located; is of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and where the development would not prejudice any proposals for long-term comprehensive development in the same location;

- 5.16 Footnote 26 defines well connected railway stations as those in the top 60 Travel to Work Areas (by Gross Value Added) and served throughout the daytime by at least four trains or trams per hour overall, or two per hour in any one direction. North Fambridge is situated within the Chelmsford Travel to Work Area; Chelmsford Travel to Work area is within the Top 60 Travel to Works Areas in England. In addition, North Fambridge station, which is a short distance from the site, has two services every hour in both directions during weekday peak times. A timetable of the services is contained in Appendix D.
- 5.17 Though not yet adopted, the suite of proposed reforms clearly demonstrates the government's commitment to integrating housing growth with sustainable transport, reinforcing why planning applications near well-connected rail hubs, like the one at this site, should be judged in line with this emerging development policy. It also demonstrates that this site is clearly a sustainable location for housing.
- 5.18 In this regard, North Fambridge is one of only four settlements within Maldon District that benefits from access to a well-connected railway station. Accounting for the very close proximity of the site to the railway station, the proposals are considered to strongly align with Policy S1 of the LDP, paragraph 110 of the NPPF and the draft policy S5 (part h) of the NPPF.
- 5.19 North Fambridge is designated as a **smaller village** in Policy S8 of the adopted Local Plan. Within the settlement hierarchy smaller villages are defined as follows:

'Defined Settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities'

- 5.20 For reasons explained within this statement, North Fambridge village is not consistent with the definition of 'smaller villages' as defined within the Local Development Plan. It benefits from good access to public transport, and it also benefits from some services and employment opportunities.

In addition, its sustainability credentials are further substantially enhanced by its very close proximity to South Woodham Ferrers, which is a 5-minute train journey, or 10-minute bus journey away.

- 5.21 The sustainability credentials of North Fambridge appeared to have been recognised by Maldon District Council during the preparation of the now Adopted Local LDP. At the preferred options stage of the LDP (2012) North Fambridge was identified as a larger village. It was also identified as a strategic growth location to accommodate 300 dwellings. It was later downgraded by Maldon District Council to a smaller village at Regulation 19 stage. The fact that North Fambridge in 2012 was considered by Maldon to be a larger village and a strategic growth location, clearly indicated that the local planning authority considered North Fambridge to be a more sustainable location than all the other villages listed within the smaller village tier. Paragraph 2.91 of the emerging Local Plan Regulation 18 the consultation document stated:

“...North Fambridge is one of the more sustainable rural villages given its proximity to a higher level of services within the neighbouring settlement of South Woodham Ferrers, its accessibility by rail and its proximity to a variety of employment and retail markets in South Essex.”

- 5.22 This appears to be recognised in part in the Council's Rural Facilities Survey and Settlement Pattern report (2023), which has been prepared as part of the current emerging Local Plan. This identifies North Fambridge as a 'medium village' and this report also identified that, other than Althorne, it is the only village that has a railway station which has services to South Woodham Ferrers. It is the applicant's case therefore that North Fambridge is clearly more sustainable than any of the other smaller villages identified within Policy S8, and in sustainability terms it is comparable with the Larger Villages identified within Policy S8.
- 5.23 The settlement boundary for North Fambridge in the Council's policies map is split into two areas (north and south). The northern boundary covers the housing either side of the railway line and extends south to Armstrong Road. The southern boundary covers the recent housing development of Hurndall Avenue and the housing areas to the south.

Public Transport Provision

- 5.24 In terms of public transport, as set out above, North Fambridge benefits from a railway station which is operated by Greater Anglia providing regular services in both directions (east and west) to and from Wickford (west) via South Woodham Ferrers and Southminster (east). There are half hour

services to South Woodham Ferrers in peak times, which takes 5 minutes. There are also half hour services to Wickford which take 15 minutes. London Liverpool Street is 53 minutes by train from North Fambridge. The station car park has capacity for 123 spaces and cycle storage for 16 cycles. (Please refer to Appendix D for a timetable of the train services) The train station is only 320 metres from the site at its nearest point. It is therefore considered that this meets the criteria of a well-connected train station having regard to the recent ministerial announcement.

- 5.25 There are also bus services, operated by Fords Coaches and Nibs Buses, providing connections to South Woodham Ferrers and Southminster. The bus stops are located at the Train Station, along Fambridge Road and The Avenue. North Fambridge also benefits from DaRT on demand bus service, providing connections with Burnham-on-Crouch, Althorne, Cold Norton, and South Woodham Ferrers. In total, three bus services, #6, #45 and #FC03, are available. The station also has an Amazon Hub for drop off and pick up.
- 5.26 The application is accompanied by a detailed Public Transport Strategy, prepared by RSK. This provides full detail on the current timetable of the existing bus services. It is worth noting in this regard that Service FC03 is a school service operated by Fords of Althorne and provides a sustainable means of pupils traveling to schools. It is also an open service, which means that it is available to all passengers travelling between Southminster, Burnham, Althorne, North Fambridge, and South Woodham Ferrers.
- 5.27 As detailed within the Public Transport Strategy, prepared by RSK, it is proposed to divert buses into the site and loop around the site via Hurndall Avenue and Anchor Way. This will ensure all new residents are within 400 metres of a bus stop. It will also provide improved connectivity to buses for existing residents within the Phase 1 development. It is proposed to enhance service #45 to provide an additional 4 services per day, with improvements to the bus services funded by the applicants as part of the Section106 agreement for the site. This proposal has been discussed with the local bus operators. There is also the ability to provide a contribution direct to ECC, the merits of which are also set out within the Public Transport Strategy.
- 5.28 In conclusion on public transport, whilst the transport sustainability credentials of the site are already considered to be suitable, there is the ability to further enhance the sustainability of the site, with provision of a bus route within the site and improvements to existing bus services. This will further enhance the sustainability of North Fambridge as a settlement.

Accessibility to Local Services

- 5.29 In terms of local services, North Fambridge benefits from a village hall, day nursery, public house, church, marina, yacht club, recreation ground with play provision, hairdresser, and pet groomer. The marina contains mixed commercial activities, including tourism and leisure activities and opportunities, boatyard services, and restaurant. There are also a range of other commercial uses including estate agent, financial consultant, mortgage broker, nutritionist, trophy shop, home cleaning service, boat shop, and drainage repair service.
- 5.30 North Fambridge is located in very close proximity to larger settlements, and it is approximately 5km to the east of South Woodham Ferrers, 13km to Burnham-on-Crouch and 10km to the south of Maldon.
- 5.31 As set out above, South Woodham Ferrers is only a 5-minute train journey. After the City of Chelmsford, South Woodham Ferrers is the main town in the Chelmsford City Council's area and as such benefits from a wide range of services and facilities. These include a number of primary schools and a secondary school, supermarkets (such as Asda, Sainsbury, Co-operative), GP and dentist surgeries, beauty salons, hairdressers, barbers, cafés, restaurants, public houses, leisure centre, gyms, skatepark, adventure park, zoo, football club, bowls club, rugby club, commercial estates, amongst others. The vast majority which are located within walking distance from the railway station.
- 5.32 To illustrate the range of services and facilities in North Fambridge and the site's proximity to these, and the range of services and facilities in South Woodham Ferrers and connections to the town, a Connectivity and Amenities Plan, prepared by G2Studio (drawing on.22-0122-CP2) is contained in Appendix A. The plan demonstrates that all day-to-day services are in or within 3 miles (5km) of North Fambridge and the site. The services and facilities in North Fambridge are within walking and cycling distance of the site and South Woodham Ferrers can be accessed easily by public transport.

Relevant Planning Applications

- 5.33 As set out above, BDW Homes successfully obtained planning permission and built out the development immediately to the east of the site. The outline application (14/01016/OUT) for 75 dwellings and a mixed use area, was granted planning permission on 16 March 2016, subject to conditions. This followed on from an original application (OUT/MAL/14/00186), which was refused solely on the grounds of foul drainage, which was later resolved. Paragraphs 7.26 and 7.2.7 of the committee report for this application stated the following:

The application follows a previous application considered by this Council. The previous application raised no objection when permission was refused on the grounds of sustainability or the general principle of development.

Then taking into consideration the proposed rural allocation of 75 dwellings within the village of North Fambridge as part of the Submission LDP, the proposal is considered to represent a sustainable form of development and given the details of this proposal to provide residential and commercial development, could provide some beneficial improvement to the sustainability of this village in the long term.

- 5.34 More recently, a full planning application (21/00104/FULM) for 12 dwellings was granted planning consent, on the frontage part of the adjacent part of the BDW Homes site. Within paragraph 3.2.1 of the officer report officers concluded as follows:

'The site is considered to be within a reasonably sustainable location in terms of access to services and facilities due to the good rail connections at North Fambridge, and the development of the site for 12 residential units would assist in making up the deficit in five year housing land supply.'

- 5.35 Please refer to Appendices E and F for the relevant officer reports for the two schemes.

- 5.36 In a recent dismissed appeal decision (APP/X1545/W/24/3349937 dated 22 April 2025) for 32 dwellings on land north of Rectory Road in North Fambridge, in the planning balance section, the Inspector found that:

"Future residents would support local services as well as the vitality of the rural community. However, given the proposed number of dwellings, these benefits would be moderate" and;

"The site is within walking or cycling distance to some services and facilities within the village and there would be scope to utilise public transport to reach other larger settlements. Therefore, future residents would not be fully reliable on the private car. This matter would carry moderate weight in favour of the scheme."

- 5.37 Therefore, the Inspector considered the site to be in a sustainable location and gave this moderate weight in favour of the scheme. The appeal was ultimately dismissed due to the specific location of that particular site and also that financial contributions towards RAMS payment had not been secured, so it is not considered to be comparable with the proposed scheme and site.

5.38 In conclusion, North Farnbridge represents a sustainable location for housing growth and is well-placed to help address the District's acute housing need. This should be given significant weight in favour of the proposals.

Access and Highways

- 5.39 Adopted Local Plan policy T1 (Sustainable Transport) seeks to secure the delivery of sustainable transport infrastructure. Priority should be given to pedestrians, wheelchairs, cyclists, and public transport over private vehicles. The policy confirms that Transport Assessments and Statements will be required to assess the impact of the development in terms of highway safety and capacity for both access to the proposed development and the wider highway network.
- 5.40 Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.
- 5.41 Paragraph 117 of the NPPF requires applications for development to give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places, allow for the efficient delivery of goods and access by service and emergency vehicles, and enable the charging of plug-in and other ultra-low emission vehicles.
- 5.42 This is an outline application, with all matters reserved for future approval except for access. As such, in accordance with the requirements of Local Plan policy T1 (Sustainable Transport), this application is accompanied by a Transport Assessment prepared by RSK Transport.
- 5.43 The Transport Assessment identifies the baseline context and assesses the potential impact that the development proposal would have on highways.
- 5.44 Traffic impact assessments indicate that the site access junction at Hurndall Avenue and the B1012 Woodham Road roundabout will continue to operate within capacity under future scenarios. However, the B1010/B1012 junctions already experience congestion and are forecast to deteriorate further by 2034 with background growth, committed developments, and the proposed scheme. These junctions also fall within Casualty Reduction Areas due to safety concerns related to gap acceptance and loss of control on bends.

- 5.45 To address these issues, the Transport Assessment recommends several measures. Internally, the development should provide high-quality, well-lit, pedestrian and cycle routes, including a dedicated cycle and pedestrian access from Armstrong Road, and integrate with the existing Public Rights of Way network. A Public Transport Strategy should be implemented to improve bus services, with financial contributions secured through a Section 106 agreement to subsidise service enhancements during early phases of occupation. The parking provision, including electric vehicle charging points and cycle storage, shall comply with Maldon District Vehicle Parking standards (November 2018)
- 5.46 Off-site mitigation is essential to manage traffic impacts. At the B1010/B1012 junction, widening the northern arm of B1010 Farnbridge Road by approximately 1.7 metres across a depth of 25 metres from the junction is proposed to improve capacity. Additionally, speed calming and safety improvements along B1012 Lower Burnham Road are recommended, including reducing the speed limit to 30 mph, installing rumble strips, and applying anti-skid surfacing on bends. These measures aim to reduce collision risks and improve overall road safety.
- 5.47 Construction traffic shall be managed through a detailed Construction Traffic Management Plan to minimise disruption, which will be secured by condition. All mitigation works and public transport contributions will be secured via legal agreements, with potential phasing and monitoring frameworks to ensure timely delivery. Collectively, these measures will help the development meet sustainability objectives, support active travel, and mitigate residual traffic impacts, ensuring compliance with national and local planning policies.

Access

- 5.48 The proposed site access design for the development includes a single priority-controlled junction on Hurndall Avenue will serve as the main vehicular access point to the development. The internal road layout will form a 5-metre-wide loop road, providing two access points for emergencies, waste collection, and servicing/deliveries.
- 5.49 The main pedestrian and cyclist access will be from Armstrong Road, with no general vehicle access permitted via this route. A network of internal paths will provide connectivity within the site and link to the existing Public Rights of Way (PRoW) network adjacent to the site.
- 5.50 New pedestrian and cyclist routes will be created within the site, designed to be direct, attractive, well-lit, surfaced, and overlooked to ensure safety and encourage walking and cycling.

- 5.51 As concluded within the Transport Assessment, the transport impacts of the scheme can be fully mitigated by the proposed off-site highway improvements and the scheme is fully compliant with policies T1 of the LDP and paragraphs 111 and 117 of the NPPF.

Parking

- 5.52 The proposed development will deliver residential car and cycle parking in accordance with the Maldon District Vehicle Parking Standards SPD (November 2018) and the detailed guidance in the Maldon District Design Guide for development proposals not covered by a Strategic Masterplan Framework. The full parking provision for the Development will be determined at the reserved matters stage and prepared in accordance with the Maldon District Council standards.
- 5.53 The Development will deliver car parking for the non-residential components of the design. This will include a small amount of retail space and a community/medical centre in accordance with the vehicle parking standards as outlined in MLDP.
- 5.54 The Development will deliver electric vehicle charging points in line with MLDP.
- 5.55 Cycle parking design will comply with cycle parking standards detailed in section 4 and Table 16 of the MDC Vehicle Parking Standards SPG. The design will also comply with the C11 Cycle Parking section of the Maldon District Design Guide. The cycle parking design standards from the MDC Vehicle Parking Standards SPG have been incorporated into Table 5.1 and 5.2 of the Transport Assessment.

Design and Layout Parameters

- 5.56 Adopted Local Plan policy D1 (Design Quality and Built Environment) sets out the requirements for development to respect and enhance the character and local context and make a positive contribution in respect of design detail.
- 5.57 The Maldon District Council Design Guide provides further guidance regarding the design of new places.
- 5.58 Paragraph 135 of the NPPF requires new development to function well and add to the overall quality of the area, be visually attractive, sympathetic to the local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate development and create safe, inclusive, and accessible places.

- 5.59 This proposal seeks outline planning permission for up to 198 dwellings and community uses at North Fambridge. Detailed matters relating to design are reserved for future reserved matters approval. Therefore, detailed design matters that are not determined at this stage. However, to ensure that any future development that comes forward on this site is of an appropriate scale and design, this application is accompanied with Parameter Plans. This includes provision for generous space available for open space and landscaping to ensure a landscape led development. As shown on the building heights parameter plan, building heights have been carefully considered, with predominantly two-storey housing, but with elements of 2½ storey to complement the existing character of the area and the adjacent housing development to the east.
- 5.60 The Design and Access Statement that accompanies this submission provides a detailed assessment of the design concept in relation to the wider context of North Fambridge and Maldon District.
- 5.61 Whilst detailed design matters are reserved for future approval, the layout and scale of the proposed development reflects the development adjacent to the site. It is in-keeping with the character of North Fambridge in compliance with Local Plan policy D1, the Maldon Design Guide and paragraph 135 of the NPPF.

Housing Mix and Affordable Housing Provision

- 5.62 Adopted Local Plan policy H1 (Affordable Housing) requires all housing developments of more than 10 units are expected to contribute towards affordable housing provision. The amount of affordable housing requirement is subject to the site's location in the sub-areas set out in Figure 7 of the policy. The amount ranges between 25% to 40%.
- 5.63 North Fambridge is located in the Rural South sub-area where the affordable housing requirement is 40%. In accordance, the proposed development will deliver 40% affordable housing.
- 5.64 Adopted Local Plan policy H2 (Housing Mix) requires all development to provide a suitable mix and range of housing in terms of size, type, and tenure to reflect local housing need and demand in both the market and affordable sector, particularly the need for an ageing population. In this regard, single-storey dwellings are proposed to the south of the site, which will provide bungalow provision.
- 5.65 The exact housing mix will be agreed with the housing officer at Maldon District Council to be delivered at reserved matters stage.

Landscape Impact

- 5.66 Adopted Local Plan policy D1 (Design Quality and Built Environment) requires new development to make a positive contribution in terms of landscape setting. Local Plan Policy D2 (Climate Change & Environmental Impact of New Development) states that negative impacts on landscape and green infrastructure should be minimised.
- 5.67 This application is accompanied with a Landscape and Visual Appraisal (LVA), prepared by Lanpro. The LVA identifies the potential landscape and visual effects associated with the proposed development based upon the existing situation which the assessment advises is influenced by the presence of the road and railway features. The site is not located within any Statutory Landscape Designations.
- 5.68 In terms of landscape impact, the assessment advises that whilst the proposal would result in the loss of an edge of settlement field parcel from the local landscape, it is not considered to lead to notable degradation of the landscape character due to the enclosed nature of the site and the character of the immediate surrounding landscape. Furthermore, due to the site's contained nature, there would not be any appreciation of the settlement extending into the countryside, other than from partial views from the PRow, and the rural approach into the village along Farnbridge Road would be maintained.
- 5.69 The wider landscape character context is attractive countryside and estuarine landscape. The estuarine landscape cannot be viewed from the Site and it is unlikely the Development would be viewed from the estuarine landscape. The estuarine landscape is valued and has Statutory Designations of SSSI, Ramsar, and Special Protection Areas and is valued for those living in the local area and nationally and is considered more sensitive and of greater value than the Site.
- 5.70 The proposed development includes embedded landscape mitigation measures outlined in Section 6 of the LVA and as shown on the accompanying Landscape Mitigation Plans.
- 5.71 The layout of the proposed development and associated landscaping has been designed to enhance, retain, and restore existing hedgerows.
- 5.72 The landscape proposals are based upon investigations, landscape character assessment, and visual effects considerations. The proposed landscaping is shown on the accompanying Landscape Strategy and Mitigation Plan. The proposed development will therefore be compliant with policies D1 and D2 of the LDP.

Public Open Space and Visitor Pressure

- 5.73 Local Plan policy N1 (Green Infrastructure Network) supports development proposals that contribute to and strengthen the green infrastructure network connectivity. Policy N3 (Open Space, Sport and Leisure) requires development to contribute towards improving the provision, quality, and accessibility of open spaces, sports, community, and leisure facilities.
- 5.74 The local standards for identifying and addressing any deficiencies are identified in the Green Infrastructure Study, which was adopted by the Council in May 2019. According to Table 2.1 in the Green Infrastructure Strategy (GIS) for Maldon District (March 2019), based on 198 dwellings there is a requirement to provide a minimum provision of 1.49 hectares of public open space on site.
- 5.75 In addition, the site is situated within the zone of influence of the Essex Coast Crouch & Roach Estuaries SPA and Ramsar and the Essex Estuaries SAC RAMSAR and SSSI, which is situated to the south of the site. The current Recreation and Mitigation Strategy Document SPD (2020) only requires a financial RAMS payment to be made in order to mitigate visitor pressure along the Essex Coast. However, as a result of detailed discussions with Natural England, the applicants are aware that an updated Recreation and Mitigation Strategy is being prepared. In this regard, Natural England have advised on a requirement to provide 8 hectares per 1000 population of High Quality Accessible Semi-Natural Green Space, which would be a dog walking area. Based on 198 dwellings, this would give a requirement of 3.8 hectares of High Quality Accessible Semi-Natural Green Space to be provided on site. In total, by adding up the public open space and the High Quality Accessible Semi-Natural Green Space requirements, there is a requirement to deliver a minimum of 5.29 hectares of open space on the site.
- 5.76 As shown on the Green Space Plan 1 of 2 prepared by Lanpro, in total 6.46 hectares of public open space is provided on site, including 3.8 hectares of High Quality Accessible Semi-Natural Green Space. This is an overprovision of 1.17 hectares above the standards. The scheme also provides both an on-site Local Equipped Area of Play and a Local Area of Play, and provision of on-site allotments of a larger area than as required by the open space standards. In summary, the open space provision significantly exceeds the policy requirements and it will provide high quality open space for both new and existing residents to enjoy.
- 5.77 Accounting for the proximity of the site to the Essex Coast, in addition to the 3.8 hectares of High Quality Accessible Semi-Natural Green Space, the applicants are also proposing a range of other measures to mitigate the impact of visitor pressure. This includes provision for a 2.41km circular walking route to the north of the site, on land that is under the same ownership as the application.

The circular walking route is accessed via footpath 2, which runs to the west of the application site and is then provided to the north of the railway line. As shown on the Green Space Plan Sheet 2 of 2 prepared by Lanpro, the circular route follows footpath two to the north and then takes a circular route via bridleway 17 and footpath 3, with a new connection to the north of the route between bridleway 17 and footpath 3. This connection will be secured via the Section106 agreement for a period of 80 years as agreed with Natural England.

- 5.78 The Section106/planning conditions will also secure the detail in terms of the installation of dog waste bins, signage, and waymarking to encourage use of on-site facilities, and long-term maintenance of these areas. Additionally, a financial contribution to the Essex Coast RAMS tariff (£169.45 per dwelling) will be secured to fund strategic mitigation. Both on-site green space and tariff payment are essential to demonstrate no adverse effect on site integrity in the Habitats Regulations Assessment.
- 5.79 The proposed development demonstrates full compliance with Policy N1 (Green Infrastructure Network) by delivering a connected and multifunctional green infrastructure framework on site. The scheme includes 3.8 hectares of High-Quality Accessible Green Space, a 2.41 km circular walking route, and a green corridor linking northern and southern parcels, thereby supporting biodiversity, recreation, and landscape connectivity. These measures align with the Green Infrastructure Strategy SPD (May 2019), which promotes integrated green networks to enhance ecological resilience and community wellbeing.
- 5.80 The proposed development would exceed the open space requirement based upon the standards in the adopted Green Infrastructure Study and provide high quality, usable, and accessible open space to comply with policies N1 and N3 of the Local Plan.

Residential Amenity

- 5.81 Local Plan policy D1 (Design Quality and Built Environment) requires all development to protect the amenity of surrounding areas taking into account privacy, overlooking, house, smell, light, visual impact, pollution and daylight and sunlight.
- 5.82 Local Plan policy D4 (Renewable and Low Carbon Energy Generation) requires development proposal to demonstrate that there will be no adverse impact on neighbouring amenity in respect of visual impact, flicker, vibration, glare, overshadowing, active or background noise levels.

- 5.83 Paragraph 135(f) of the NPPF states that development must have a high quality of amenity for existing and future users.
- 5.84 Whilst detailed layout matters are reserved for future approval, the submitted Concept Plan establishes the indicative arrangement of housing parcels within the site. In accordance with LDP Policy D1 and the Maldon District Design Guide (MDDG), the design approach seeks to respect and enhance the character and local context by ensuring appropriate separation distances and sensitive edge treatment. Housing parcels adjoining existing dwellings have been positioned to maintain acceptable levels of separation to privacy and reduce visual intrusion, consistent with MDDG principles on transition and boundary treatment. As illustrated on the Building Heights Parameter Plan, the southern parcel is not only set back from the boundary but is proposed to comprise single-storey dwellings, reflecting the prevailing built form and minimising potential impacts on residential amenity. This approach accords with Policy D4, which requires development to avoid adverse effects on neighbouring amenity, and demonstrates a commitment to creating a high-quality, contextually responsive scheme.

Health Impacts

- 5.85 Adopted Local Plan policy I2 (Health and Wellbeing) requires all residential developments of 50 or more dwellings to undertake a Health Impact Assessment that measures wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development.
- 5.86 Accordingly, this application is accompanied with a Health Impact Assessment. The Assessment reviews the local health profile at district and ward level and assesses the proposed development to identify the potential impacts that the development may have on the health and wellbeing of future and existing residents in the local area.
- 5.87 This HIA determines that the proposed development will have a positive impact on the health profile and opportunities of existing and future users. The development will promote and enhance opportunities for active travel and healthy living through sustainable movement, high quality amenity space, and green infrastructure.
- 5.88 Aside from large amount of green infrastructure and walking and cycling routes within the site, the HIA also makes a range of recommendations to help improve health and wellbeing of future residents through the design and layout of process. The recommendations will be considered as part of the Reserved Matters application. At the Reserved Matters Stage, an updated HIA will be

prepared based upon the detailed design and layout of the scheme, and how this will encourage healthier lifestyles which will ensure compliance with policy I2 and align with national objectives for creating healthy and inclusive communities as required by paragraph 93 of the NPPF.

Arboriculture, Ecology and Biodiversity

- 5.89 Adopted Local Plan policy D1 (Design Quality and the Built Environment) requires new development to make a positive contribution in terms of the natural environment and policy D2 (Climate Change and Environmental Impact of New Development) states that new development must minimise negative impacts on ecology, landscape, and green infrastructure.
- 5.90 It is a national requirement for all new development, unless exempt, to provide a minimum 10% Biodiversity Net Gain.
- 5.91 In terms of arboriculture, the Preliminary Arboricultural Impact Assessment confirms that the site contains nine individual trees, ten tree groups, and seven hedgerows, predominantly of Category C quality (low quality or young) and one Category B group. No Category A trees, ancient or veteran specimens, or Tree Preservation Orders are present, and the site is outside any Conservation Area. To facilitate development, the removal of one tree (T4) and partial removal of two groups (G3 and G5) and one hedge (H3) will be required. These features are of low arboricultural value and limited remaining contribution.
- 5.92 In accordance with Policy D2 (Climate Change and Environmental Impact of New Development), the proposal incorporates measures to avoid, mitigate, and compensate for environmental impacts. The Concept Plan demonstrates sufficient capacity for extensive compensatory planting within the public open space areas, enhancing tree cover, species diversity, and structural resilience over the long term. This approach supports climate adaptation and biodiversity objectives by integrating green infrastructure into the development layout.
- 5.93 To protect retained trees, the scheme will implement Construction Exclusion Zones (CEZs), tree protection fencing, and temporary ground protection throughout construction. Landscaping within Root Protection Areas will be undertaken using hand tools only. An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will be prepared and secured by planning condition once the site layout has been fixed to ensure compliance during the construction phases of the development.

- 5.94 These measures ensure that the development not only mitigates short-term impacts but delivers a net tree coverage and landscape gain, consistent with Policy D1 and D2 and wider Local Plan objectives for sustainable design and climate resilience.
- 5.95 In terms of ecology and biodiversity, policy N2 (Natural Environment, Geodiversity and Biodiversity) supports development and will help to improve the conditions of existing designations and seeks all development to deliver net biodiversity and geodiversity gain.
- 5.96 As detailed above, the Ecological Impact Assessment identifies that the proposed development lies within the Zone of Influence of internationally designated sites, including the Crouch & Roach Estuaries SPA and Ramsar and the Essex Estuaries SAC, approximately 300 metres to the south of the site.
- 5.97 In ecology terms potential impacts include recreational disturbance to SPA bird species and the possible loss of functionally linked land for wintering birds such as dark-bellied brent goose. The site also supports Important Ecological Features (IEFs) at the local level, including native and species-rich hedgerows, breeding birds (skylark), reptiles, and potential great crested newt habitat.
- 5.98 Consistent with Policy D1 (Design Quality and Built Environment), the scheme integrates green infrastructure throughout the layout, retaining the majority of existing hedgerows and delivering 1.92 km of new native hedgerow planting, 300 new trees, and extensive areas of wildflower grassland. These enhancements contribute to the site's visual quality, ecological connectivity, and climate resilience, while supporting a high-quality living environment.
- 5.99 In line with Policy N2 (Natural Environment, Geodiversity and Biodiversity), the development safeguards existing ecological assets and delivers biodiversity net gain through habitat creation, off-site skylark compensation, and species-specific measures such as bat and bird boxes, hedgehog highways, and reptile refugia. A District Level Licence for Great Crested Newts has been sought, and precautionary working methods will be implemented for reptiles and nesting birds. Long-term management will be secured via a Landscape and Ecology Management Plan (LEMP) condition and Habitat Management and Monitoring Plan (HMMP) condition. Subject to these measures, the Ecological Impact Assessment (EcIA) concludes that residual impacts will be neutral for all identified IEFs, and the outstanding winter bird survey results will help to inform a shadow Habitats Regulations Assessment.
- 5.100 In terms of biodiversity net gain, a Biodiversity Net Gain Report has been prepared which has carried out a baseline habitat assessment of the site. A comprehensive Biodiversity Net Gain assessment has been undertaken using DEFRA's Statutory Biodiversity Metric (Version 1.0.4, July 2025).

- 5.101 The LDP requires development proposals to protect and enhance biodiversity, in line with national legislation and local priorities. The Environment Act 2021 introduced a statutory requirement for major developments to deliver a minimum 10% biodiversity net gain (BNG) compared to the pre-development baseline.
- 5.102 The baseline survey identified habitats including cereal crops, modified grassland, scrub, and hedgerows, all assessed as being of low strategic significance. The site generated 31.24 Habitat Units and 15.32 Hedgerow Units.
- 5.103 The development proposals incorporate significant biodiversity enhancements. These include the creation of 6.08 hectares of grassland, 1.01 hectares of sustainable drainage system (SuDS) planting, 1.36 hectares of vegetated gardens, and 0.08 hectares of allotments. Additionally, 300 new trees will be planted, and new hedgerows will be established, comprising 1.78 km of native hedgerow and 0.17 km of species-rich hedgerow. These measures are complemented by the retention of existing hedgerows and targeted habitat improvements aligned with the Essex Local Nature Recovery Strategy.
- 5.104 The Biodiversity Metric calculation demonstrates that the proposed development will deliver a net increase of 7.39 Habitat Units and 6.85 Hedgerow Units, equating to a 23.6% gain in area-based habitats and a 44.7% gain in hedgerows. This significantly exceeds the statutory 10% requirement and satisfies all metric trading rules. The enhancements proposed not only meet but surpass the expectations of Maldon LDP Policy N2 (Natural Environment and Biodiversity), contributing positively to local ecological networks and long-term habitat resilience.
- 5.105 Overall, the proposal demonstrates compliance with Policies S9, D1, and N2, delivering a net environmental gain and supporting Local Plan objectives for sustainable development and nature recovery.
- 5.106 In accordance with Policy S9 (Protecting and Enhancing the Environment), the development adopts a robust mitigation hierarchy to avoid, reduce, and compensate for ecological impacts. Measures include the provision of 3.8 hectares of high-quality, accessible semi-natural greenspace and a 2.4 km circular walking route, designed to reduce recreational pressure on sensitive coastal habitats. These measures will be secured alongside a financial contribution to the Essex Coast RAMS tariff, ensuring compliance with Habitats Regulations and addressing cumulative recreational impacts.

Flood Risk and Drainage

- 5.107 Adopted Local Plan policy D5 (Flood Risk and Coastal Management) states that development must not increase the risk of flooding on site and elsewhere. The Council's approach is to direct growth towards areas in Flood Zone 1. Development must demonstrate how it will maximise opportunities to reduce flood risk through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.108 The Site is wholly located within Flood Zone 1, where there is a low risk of fluvial or tidal flooding. In accordance with national planning policy requirements, this application is accompanied by a Flood Risk Assessment (FRA).
- 5.109 The FRA confirms that the site is within Flood Zone 1 and all the housing parcel area outside the flood risk areas with a minor tidal risk confined to the open space and a secondary access road. A very short section of Hurndall Road which has already been fully constructed and serves the existing housing development and provides the main access into the site is located in Flood Zone 3 (Tidal Flood Zone). None of the proposed residential dwellings are in or near to the tidal flood zone. This will be managed by a Flood Management Plan and registration with the Environment Agency's Flood Warning system.
- 5.110 The risk of flooding from other sources such as surface water, groundwater sewers, is assessed as being very low. Surface water flooding is limited to shallow areas along Armstrong Road and existing ditches which will be retained and integrated into the drainage design for the site. This will be assessed in more detail once the detailed design and layout have been fixed and will form part of the Reserved Matters submission.
- 5.111 The proposed development incorporates a surface water drainage strategy that uses Sustainable Drainage Systems (SuDS). Proposed measures include detention basins, swales, and permeable paving, designed to attenuate runoff for events up to the 1 in 100-year storm plus 45% climate change allowance. Discharge from greenfield runoff will be restricted and directed to on site ditches to ensure there is no increase in flooding elsewhere.
- 5.112 For foul drainage, a connection into the existing Anglian Water network shall be made and Anglian Water have confirmed that capacity will be available in line with the build programme to accommodate the development. This will form part of the details provided at the Reserved Matters stage.
- 5.113 The proposed development will not result in an increase in flood risk on site or elsewhere. Sustainable drainage is proposed within the site to mitigate against any potential increase in flood

risk. Overall therefore, the FRA demonstrates compliance with the policy D5 and Section 14 of the NPPF.

Ground Conditions

- 5.114 Part 7 of Policy D2 states that all development must minimise its impact on the environment including measures to remediate land affected by contamination and locate development safely away from hazardous sources.
- 5.115 The site has been in agricultural use since the 1800s and has not been in any other use that would result in significant contamination. The site is also located in Flood Zone 1 and there are no significant surface water flooding issues.
- 5.116 A Phase 1 Geoenvironmental Assessment of the site has been carried out. The assessment is in two parts; northern parcel and the southern parcel. The northern parcel consists of two fields which comprises the main arable field and an area of rough grassland to the east, which contains some agricultural paraphernalia. The assessment of the northern parcel found no significant contamination sources nearby. Whilst the risk assessment indicates that generally low contamination risk, a precautionary moderate/low risk exists for residues from machinery and burning in the eastern field and from agricultural activities (fertilizers and pesticides) on the arable field. As for the southern parcel, as with the northern parcel the assessment found no significant contamination sources nearby. The risk assessment advises a precautionary moderate/low risk to human health and future buildings on the site.
- 5.117 The assessment therefore recommends for the entire site, an intrusive site investigation is carried out to confirm the ground condition and subject to the result from this, further mitigation measures will be developed. However, given the previous use and a desk assessment of the site, the potential for significant contamination on the site is low.
- 5.118 Therefore, the proposal is considered to be compliant with part 7 of policy D2.

Noise and Air Quality

- 5.119 Part 4 of Policy D1 states that development must protect the amenity of surrounding areas taking into account amongst other things noise, and part 6 of Policy D2 states development must minimise its impact on the environment by incorporating a broad range of principles including minimising all

forms of possible pollution including noise and where any detrimental impacts occur adequate mitigation measures are implemented.

- 5.120 The proposed development has been assessed for potential noise and vibration impacts in accordance with national guidance and local planning policy requirements. The submitted Noise and Vibration Assessment contains the findings and recommendations to mitigate any identified issues.
- 5.121 The baseline assessment identified low-level noise mainly coming from distant roads and occasional railway movements to the north of the site. Typical daytime noise levels were recorded at approximately 44 dB LAeq,16hr and night-time levels at 39 dB LAeq,8hr, with occasional passing trains peaking up to 66 dB L_{Amax,f}. Vibration levels were found to be extremely low, well below thresholds for adverse comment, and not perceptible during site visits.
- 5.122 To ensure a high-quality acoustic environment is achieved, the proposed development will need to incorporate a range of mitigation measures. The housing parcels nearest to the northern boundary are proposed to act as acoustic screening for gardens and amenity spaces located further within the site. An extensive area of landscaped buffers and open space are also proposed between the railway and the nearest properties. The housing parcels are set away from the northern boundary by around 100 metres.
- 5.123 Building design will include external walls achieving a minimum sound insulation performance of 50 dB Rw, and standard thermal double glazing with a minimum sound reduction of 31 dB Rw. Ventilation systems will be specified to maintain compliance with Building Regulations while ensuring acoustic integrity. These measures will secure internal noise levels within recommended limits: 35 dB LAeq,16hr for daytime living areas, 30 dB LAeq,8hr for night-time bedrooms, and no regular exceedance of 45 dB L_{Amax,f} during night-time periods. These features relate to specific design matters for each proposed house-type and which is not a matter for consideration at this outline stage. However, the mitigation measures will be incorporated into the design process and submitted as part of the Reserved Matters application.
- 5.124 The assessment confirms that external noise levels across the site will remain below 55 dB LAeq,16hr, meeting BS 8233 guidance for outdoor amenity areas. Vibration impacts are negligible, with predicted internal vibration dose values remaining well within the “low probability of adverse comment” range defined by BS 6841. Further detailed calculations will be undertaken at the reserved matters stage to confirm glazing and ventilation specifications for individual house types.

- 5.125 Notwithstanding, the precise details that will be submitted at the Reserved Matters stage, the proposed mitigation measures and details contained in the parameter plans demonstrate that housing development will be in full compliance with Policy D1 (Design Quality and Built Environment) by safeguarding residential amenity and delivering a well-designed layout that responds to site constraints. The proposals also satisfy Policy D2 (Climate Change and Environmental Impact of New Development) by minimising environmental impacts through appropriate avoidance and mitigation of noise and vibration. Collectively, the scheme ensures that future residents will benefit from a safe, comfortable, and sustainable living environment in accordance with both local and national planning policy.
- 5.126 In terms of air quality, an assessment is being finalised and shall be submitted shortly which a summary of the conclusions and recommendations. The assessment is not anticipated to find any significant air quality issues from the site or as a result of the proposed development.

Heritage

- 5.127 Policy D3 of the Maldon Local Development Plan requires that where development has the potential to affect archaeological assets, an appropriate specialist assessment must be undertaken. This process should include consultation with the Historic Environment Record to identify, at an early stage, any known or potential heritage assets and to evaluate their significance. The assessment will also provide the basis for potential mitigation and recording where appropriate.
- 5.128 The site is not located within a Conservation Area and contains no listed buildings or designated heritage assets. The nearest heritage asset is North Fambridge Hall, a Grade II listed building situated approximately 136 metres south of the site boundary. Holy Trinity Church, located immediately west of North Fambridge Hall, is a non-designated heritage asset. Both assets are sufficiently distant from the site and separated by intervening modern development and landscaping, resulting in no meaningful visual or functional relationship with the proposed development. Therefore, in accordance with policy D3, a desk based assessment has been carried out for the site. A desk-based assessment (DBA) has been undertaken to evaluate the archaeological and built heritage potential of the site at North Fambridge.
- 5.129 The DBA confirms that there are no designated or non-designated built heritage assets within the site, and the proposed development will not affect the setting or significance of any nearby heritage assets. Intervening distance, modern development, and tree cover ensure that the site makes no

contribution to the significance of assets such as North Fambridge Hall or Holy Trinity Church. Consequently, no built heritage impacts are anticipated.

- 5.130 In terms of archaeology, the site is assessed as having low potential for Palaeolithic, Mesolithic, Neolithic, Iron Age, Anglo-Saxon, and post-Medieval evidence, and moderate potential for Bronze Age remains. It has a high potential for Roman field systems and Medieval cultivation evidence, primarily due to findings immediately east of the site. Any remains are likely to be of low local significance, and historic and modern cultivation is considered to have caused moderate disturbance to sub-surface deposits.
- 5.131 To address this potential, the assessment recommends that a geophysical survey followed by archaeological evaluation be undertaken prior to or during development. These works can be secured via an appropriately worded planning condition. This approach is considered to be proportionate and ensures compliance with Policy D3, which requires the preservation and understanding of heritage assets and their significance. This approach aligns with NPPF Paragraphs 199–202, which require decision-makers to give great weight to the conservation of heritage assets and to ensure that proposals preserve their significance. The proposed development will not result in harm to designated or non-designated heritage assets and therefore complies fully with both local and national policy requirements.

6. PLANNING BALANCE & CONCLUSION

- 6.1 This planning statement has been prepared by Ceres Property on behalf of BDW Trading Limited in relation to an outline application for the erection of up to 198 dwellings, with associated community/medical centre, retail provision, public open space, and infrastructure at land to the north-west of Hurndall Avenue and Anchor Way, North Fambridge.
- 6.2 This statement has demonstrated that, in accordance with the presumption in favour of sustainable development as set out within paragraph 11 of the NPPF, the scheme will deliver a number of substantial benefits, which clearly outweigh the identified harms from the development.
- 6.3 In light of national and local policy, the principle of residential development at North Fambridge is strongly justified. Whilst the site lies outside the defined settlement boundary under Policy S8, its characteristics clearly demonstrate that it does not fit the definition of a “smaller village”. North Fambridge benefits from excellent public transport links—rail and bus—alongside a range of community facilities and proximity to South Woodham Ferrers, making it a sustainable location for growth. This is reinforced by the Maldon District Rural Facilities Survey (2023), which identifies North Fambridge as a Medium village, offering a reasonable range of services and connectivity. Against the backdrop of Maldon District’s acute housing shortfall, the presumption in favour of sustainable development under paragraph 11 of the NPPF applies.
- 6.4 In terms of benefits, the proposed development will make a meaningful contribution to meeting Maldon’s housing requirement, supporting both market and affordable housing delivery. Accounting for the very acute housing land supply position, this is given very substantial weight in the planning balance. It will also provide new community infrastructure and retail facilities. This, along with the identified improvements to bus provision as identified within the Public Transport Strategy, will provide benefits to both existing and new residents in terms of access to facilities within the village, including assisting with promoting sustainable patterns of travel. This is given significant weight in the planning balance. The development includes provision for 6.46 hectares of open space, which is 1.17 hectares above the policy requirements. One tree is proposed to be lost, with 300 proposed to be planted, which will assist in achieving a BNG enhancement of 23.6% gain. This is also given significant weight in the planning balance.
- 6.5 The proposed development at North Fambridge delivers on all three objectives of sustainable development—economic, social, and environmental—as set out in the National Planning Policy

Framework. Economically, the scheme will generate significant investment through construction, create jobs, and support local businesses, while contributing to Council tax revenue. Socially, it provides up to 198 new homes, including 40% affordable housing, alongside community facilities, retail space, and extensive open space, helping to meet local housing needs and strengthen community cohesion. Environmentally, the proposal incorporates biodiversity net gain, public open space, sustainable drainage systems, and extensive landscaping, ensuring ecological enhancement and climate resilience. Taken together, these benefits demonstrate that the proposed development is necessary to address Maldon District's acute housing shortfall.

Economic Benefits

- Creation of employment opportunities through the construction phase of the development which will also have an indirect effect on the supply chain;
- Additional Council Tax receipts toward public services;
- Additional spending in the local economy which will help to maintain the vitality and viability of local businesses and services;
- The provision of a new retail space and potentially medical space would create jobs and encourage local enterprise.

Social Benefits:

- The creation of new housing with a mix of house types and sizes to meet local needs, including affordable housing;
- Significant open space with play provision and footpaths, which are useable and accessible to existing and future residents;
- Increased connectivity and access to the countryside using the proposed circular walking route;
- New community centre/medical facility, which will provide a substantial benefit to both existing and new residents.

Environmental Benefits

- Biodiversity enhancements through the planting of a significant amount of trees and hedgerows whilst retaining the existing vegetation on site;

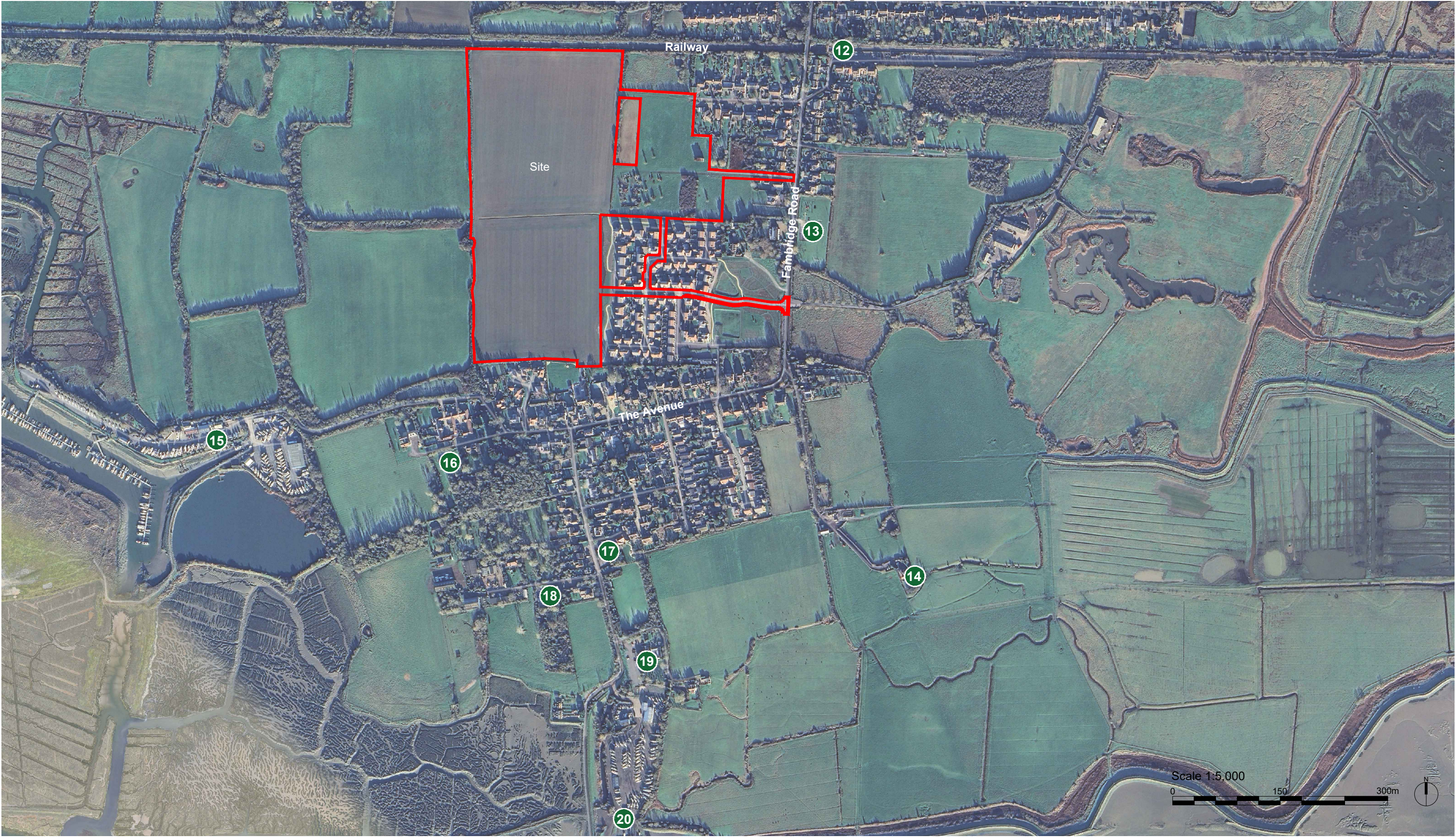
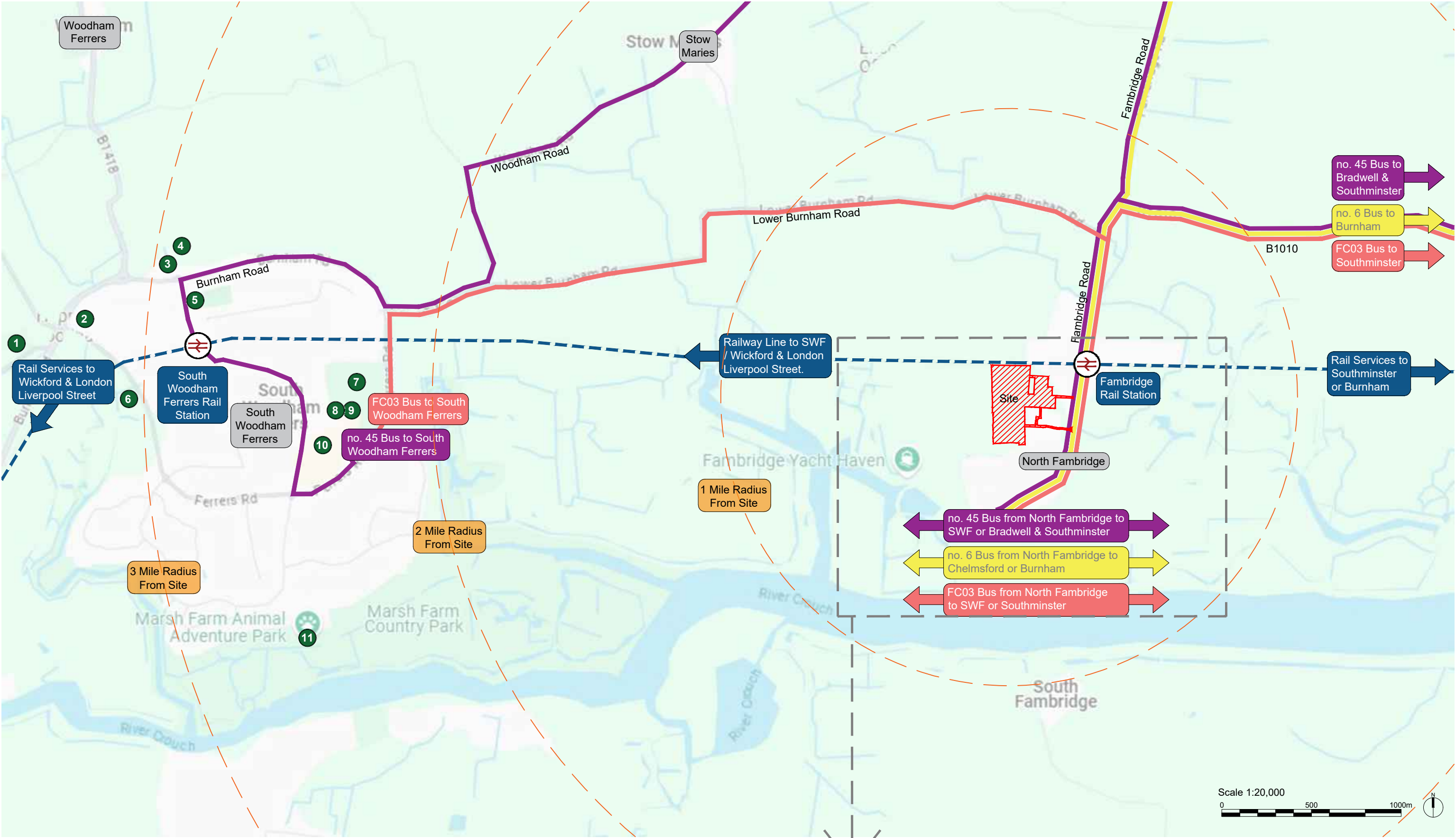
- Introduction of Sustainable Urban Drainage features to deal with flood risk and surface water drainage issues on site and mitigate any off-site flooding;
- Sustainable energy features, such as electric car charging for all homes and use of Air Source Heat Pumps (subject to detailed design).

- 6.6 As detailed within the Transport Assessment, the proposals include provision for a number of off-site junction improvements, including provision for road widening of the northern arm of the B1010, and a number of speed reduction and safety measures at the entrance to North Farnbridge village. This will ensure that the transport impact of the development is mitigated, which is given neutral weight in the planning balance. The development is also fully policy compliant in terms of drainage and flood risk matters, which is also given neutral weight in the planning balance. The heritage assessment concludes that the development will have no impact in terms of harm to heritage assets, which is also given neutral weight in the planning balance. The ecology surveys demonstrate that the ecological impact of the development will be fully mitigated, including the provision of skylark plots on land owned by the same landowner to the north of the site. This is given neutral weight in the planning balance.
- 6.7 In terms of harms, as acknowledged within the Landscape Visual Assessment (LVA), the development will remove an edge of settlement field parcel from the local landscape. As set out in the LVA, the notable landscape effects are predominantly short term effects and the long term effects would be minor in nature. This is therefore given minor adverse assessment in the planning balance. The scheme will also create some disturbance to residents during construction in terms of noise and dust impacts, which will be minimised by following recommendations within a Construction Management Plan. This is also given minor adverse effect in the planning balance.
- 6.8 Although the proposed policy changes in the draft National Planning Policy Framework (December 2025) are not yet adopted, they clearly demonstrate the government's direction of travel toward prioritising housing development in sustainable, well-connected locations. This approach was reinforced by the Housing Secretary's announcement on 18 November 2025, confirming a forthcoming "default yes" for housing sites near well-connected rail stations. The intention is to integrate housing growth with existing transport infrastructure, reduce car dependency, and support climate and economic objectives. The application site reflects these principles by being within walking distance of North Farnbridge railway station that meets the definition of "well-connected" and is physically well-related to the settlement. In this context, significant weight should be given to the emerging national policy, which underline the government's commitment to unlocking development in such locations.

- 6.9 The benefits of this scheme substantially outweigh any perceived harm and in accordance with the NPPF planning permission should be granted without delay.

Appendix A – Connectivity and Amenities Plan, prepared by G2Studio (drawing no.22-0122-CP2)

Connectivity & Amenities Plans



NOTE LEGEND

- 1

Call of the Wild Zoo
- 2

Shaw Farm Public House
- 3

Crouch Vale Medical Center
- 4

Sainsbury's Supermarket
- 5

Village Hall
- 6

SWF Recycling Center
- 7

Saltcoats Park
- 8

St. Joseph's Catholic Primary School
- 9

William De Ferrers Secondar School
- 10

Asda Supermarket & Retail
- 11

Marsh Farm Adventure Park
- 12

Fambridge Railway Station
- 13

Fambridge Recreation Ground
- 14

Blue House Farm
- 15

Fambridge Yacht Haven
- 16

Holy Trinity Church
- 17

North Fambridge Village Hall
- 18

Deerlands Day Nursery
- 19

Ferry Boat Inn
- 20

Fambridge Yacht Club

No.	Date	Amendment	Initials
Client : David Wilson Homes			<div><div><div>G2Studio</div><div>142, New London Road, Chelmsford, Essex. CM2 0AW</div></div><div><div>Date : July 2025</div><div>Scale : Varies @ A2</div><div>Dwg No : 25-0122-CP2</div></div></div>
Project : Land at North Fambridge, Essex.			
Drawing : Connectivity & Amenities Plan			
<div>© THIS DRAWING IS THE COPYRIGHT OF G2 STUDIO It shall not be in any way used or reproduced without their prior written consent. All dimensions are to be checked on site or in the workshop prior to commencing any work. Work only to figured dimensions. Any discrepancies are to be reported to the Architect. Please note that specifications and products listed on these drawings are led by the Client and their third party designers. All products listed are to be checked with relevant manufacturer for compliance with the manufacturer's details, testing certification and insulation guidance, at the time of drawing production. G2 Studio accept no design responsibility for suppliers and manufactures products listed on the attached drawings.</div> <div>P:\Projects\250122 Land at North Fambridge, Essex (Parcel 1)\Planning\Connectivity Plan</div>			

Appendix B – Benferri Developments – Glebe Meadow, land east of Vicarage Court, Southminster dated 19 September 2025 (appeal reference APP/X1545/W/25/3367409)



Appeal Decision

Hearing held on 9 September 2025

Site visit made on 9 September 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/X1545/W/25/3367409

Glebe Meadow, Land east of Vicarage Court, Southminster, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Benferri Developments Limited against the decision of Maldon District Council.
 - The application Ref is FULM/MAL/24/00017.
 - The development proposed is described as 'Application for planning permission to create 36 no. one, two, three and four bedroom houses and maisonettes, associated landscaping, roads, parking and drainage infrastructure, plus a new area of public open space and the addition of a footway to the east side of Vicarage Court'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the hearing there were discussions relating to the ownership of the land along which the proposed pavement would be routed. It was apparent from these discussions that this is a point in dispute between local residents and the appellant. However, this is not a matter that I can resolve through a planning appeal. Instead, I have considered the effects of what is proposed. The addendum Statement of Common Ground is not signed and dated, but both the appellant and Council confirmed at the beginning of the hearing that it was an agreed document and should be read as such.

Main Issues

3. Before the hearing was closed the appellant submitted a planning obligation pursuant to s106 of the Town and Country Planning Act (the 'Act'). This was in the form of a legal agreement with the Council and Essex County Council. The obligation made provision for the infrastructure and contributions outlined in the Council's 'CIL Compliance Statement'. On this basis, the Council is satisfied that its sixth reason for refusal has been addressed as no conflict with Policy I1 of the Local Plan would occur. That said, the appellant has made a case that a financial contribution towards early years education is unnecessary, would therefore fail to meet the tests in the Community Infrastructure Levy Regulations and should not be taken into account. This is a matter to which I will return.
4. Within its Statement of Case, the Council confirmed that it did not wish to pursue the second and third reasons for refusal. This is because the Council is now of the view that the design of the proposed dwellings would not be discordant or jarring

with existing properties and that the parking areas would not result in excessive noise and disturbance to the existing residents in Vicarage Court. As such, these matters when not identified as main issues during the hearing.

5. Although not reasons for refusal, the spatial strategy in the development plan and the effect on biodiversity (reptiles) and the privacy of the occupants of Plot 6 are main issues. These were identified as topics in my prehearing note and discussed during the event. Consequently, there has been an adequate opportunity to address these matters and therefore no unfairness has occurred.
6. Given the foregoing, the main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposed development, with reference to the spatial strategy in the Local Plan¹ (LDP);
 - The effect of the proposed footway on i) the character and appearance of the area and ii) the living conditions of existing residents;
 - Whether the proposed development would provide appropriate living conditions for future occupants, with reference to noise, disturbance and privacy;
 - Whether the proposed development would provide an adequate housing mix;
 - Whether the proposed development would adequately mitigate the effect on reptiles; and
 - The effect of the proposed development on early years education.

Reasons

The appropriateness of the location with reference to the spatial strategy

7. Policy S1 of the LDP seeks to secure sustainable development by applying several key principles. These include delivering sustainable levels of housing growth, maintaining the rural character of the district and minimising the need to travel. The Council seeks to balance these aims by delivering strategic growth through sustainable extensions at its largest settlements whilst also adopting a settlement hierarchy to inform the assessment of other schemes elsewhere.
8. Policy S8 of the LDP sets out the settlement hierarchy and outlines the Council's approach to development within the countryside. It explains that the countryside will be protected for its landscape, natural resource and ecological value as well as its intrinsic character and beauty. Accordingly, development within the defined settlement boundaries is supported, whereas outside these areas it will only be supported where the intrinsic character and beauty of the countryside is not adversely impacted upon *and* the proposal would be one of the types of development outlined in a closed list.
9. The appeal site is a green field site located outside the settlement boundary of Southminster. It is therefore located in the countryside. The appeal site is flanked by housing, a school and a municipal park but otherwise has a rural character on account of being rough grassland broadly enclosed by hedges and mature trees. The evidence before me also demonstrates that the site is of biodiversity value.

¹ Maldon Local Development Plan 2014-2029 (LDP)

10. It would not be credible to suggest the proposal's urbanising effect on the rural character of the appeal site would not have at least a limited adverse impact upon the intrinsic character and beauty of the countryside. Moreover, the Council and appellant agreed at the hearing that the appeal scheme would not be any of the types of development permitted in the countryside by Policy S8. The proposal would therefore be at odds with the spatial strategy in Policy S8.
11. In conclusion, the appeal site is not a suitable location for the appeal scheme when applying the spatial strategy in the development plan. This would be harmful given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led.

The effect of constructing a pavement on the character and appearance of the area

12. Vicarage Court is a quiet suburban cul-de-sac. It encompasses The Old Vicarage and a cluster of large, detached houses constructed in recent years. The houses are accessed from a narrow, shared surface flanked by generous levels of landscaping. This results in an intimate and verdant character as well as a pleasant street scene. The way the hedging follows the curvature of the road is a particularly pleasant feature.
13. When the development was approved, the local standard for shared surfaces was that no more than 25 homes should be accessed in this way. I understand that the standard has been reduced to 15 homes. Neither the Council nor the appellant were able to conclusively say at the hearing what the rationale for reducing the standard was. It may have related to the Local Highway Authority's standards for adoption or could have been driven by safety, or both. Either way, the appeal scheme would result in the standards being exceeded by some way.
14. In any event, the construction of 36 homes would result in an increase in traffic throughout the day. The Transport Statement suggests around 133 vehicle movements would occur in a typical 12-hour daytime period. In the absence of substantive evidence to the contrary, I share the view of the Local Highway Authority that this level of traffic is not conducive to a shared surface. This is because the frequency of traffic would likely make walking in the carriageway undesirable even though traffic would be moving slowly. Indeed, vehicles would pass close to pedestrians and would also reduce the space available for walkers if two motorists were to meet. Moreover, all pedestrians from the development would have to walk along Vicarage Court as it is the only route into and out of the development. There have been no pedestrian accidents in Vicarage Court to date, but that does not demonstrate the proposal would maintain this situation.
15. Accordingly, I share the expert view of the Local Highway Authority, which I afford significant weight, that a pavement along Vicarage Court would be necessary if the appeal scheme were to be developed for the number of homes proposed.
16. There is a small section of pavement at the entrance to Vicarage Court. If this was extended up to the entrance to the field, as is proposed, then the soft landscaping along one side of Vicarage Court would be notably weakened. This would severely erode the verdant character of the cul-de-sac. In particular, the curved hedge in front of 7 Vicarage Court and the generous landscaping outside The Old Vicarage would be lost or diminished. There would also be an unbalancing impact on the street scene with more soft landscaping on one side than the other. The overall

composition of Vicarage Court would be significantly harmed if the proposed pavement was retrospectively inserted into the street scene.

17. Pavements are a feature of the wider area. Indeed, Vicarage Meadow has pavements on both sides, and this affords it a conventional suburban appearance. However, Vicarage Court has a different and more verdant character. This was an original design aspiration that the appeal scheme would harmfully erode. Accordingly, the presence of pavements elsewhere does not justify the harmful impact on the street scene and character of Vicarage Court.
18. In conclusion, the provision of the proposed pavement would result in significant harm to the character and appearance of Vicarage Court. This would be at odds with Policies S1, D1 and H4 of the LDP, which seek to secure high quality design which respects the character of the area and local context.

The effect of constructing a pavement on living conditions

19. The proposed pavement would pass in front of 7 and 8 Vicarage Court. In general, this relationship would not be unusual. Indeed, it is good urban design for pavements to be overlooked by residential properties to provide natural surveillance. However, it is also good practice to provide some form of defensible space², normally in the form of a front garden, to provide some sense of privacy to occupants of a property and separation from the public realm.
20. The proposed pavement would be far enough away from the front elevation of 7 Vicarage Court to allow for a defensible space. However, the pavement would pass very close to the living room window of 8 Vicarage Court, which is likely to be a well-used part of the house. Indeed, the proximity would be very uncomfortable for future occupants of that property as pedestrians would be able to see in at very close range. There would be insufficient space to mitigate this impact. Instead, to achieve privacy the occupants would probably need to rely on curtains or blinds.
21. There would not be any harmful impact from noise and disturbance because the window is double glazed, and pedestrians are unlikely to stop outside the property. Nevertheless, there would be some limited harm to the living conditions of the occupants of 8 Vicarage Court. This would be at odds with Policies S1 and D1 of the LDP, which seek to secure high quality design which protects the amenity of surrounding areas by taking into account privacy.

The adequacy of the living conditions of future occupants

22. Immediately to the east of the appeal site is the King George V Memorial Playing Fields. This incorporates several facilities including flood lit tennis courts, a bowls club, an equipped play area, playing fields, a flood lit multi use games area (MUGA) and a large car park. Adjacent to the appeal boundary there is also a preschool, changing rooms used by sports teams, a shipping container used for storage and a building occupied by a local club offering martial arts training. I also understand that several local football teams play and train here, and this can draw large crowds on match days. Accordingly, the playing fields are a large, well-used facility of importance to the local community which new development should not hamper. Given the activities involved and the location of the appeal site, there is the potential for noise and disturbance to the future occupants of the appeal scheme.

² See the National Design Guide and Building for a Healthy Life

23. Some of the facilities, such as the bowls club and tennis court, are probably sufficiently far away from the appeal site not to cause any harmful impact on the living conditions of future occupants. However, the car park and some of the buildings adjoining the eastern boundary of the appeal site would be very close to Plots 7-10 and 11-13. Indeed, the rear gardens of Plots 7-10 would face the eastern boundary. The comings and goings of sports teams, including training sessions and matches, could result in significant noise impacts given the number of people involved. This would be compounded by the frequent movement of cars, with doors slamming, engines idling and headlights aimed towards the appeal site. I am especially concerned about the MUGA, because there are no details before me relating to the flood lights, which are elevated. As such, I cannot rule out the risk of significant light pollution. Balls hitting the low brick wall and fencing surrounding it could also create loud, unpredictable and significant noise impacts.
24. Housing has previously been approved on the appeal site despite the activity at the Memorial Field. However, most of the dwellings in that instance would have been located along the western boundary of the appeal site leaving a partial buffer between them and the facilities identified above. Four houses were approved in the north-east corner of the site, but the Council's assessment relating to the living conditions of the future occupants is not before me. I have come to my own findings for the reasons given.
25. There is housing in Tattersalls Chase and this is close to facilities such as the tennis courts, and there is no evidence, such as recorded complaints, before me that the occupants of these properties have suffered from harmful noise and disturbance. However, they are further away from the MUGA, car park and changing rooms and therefore subject to a different impact.
26. The comments from the Council's Environmental Health Officer (EHO) submitted during the Council's assessment of the application did not mention the potential effect on the living conditions of future occupants and nor did the committee report. The EHO has since suggested in comments contained within the addendum Statement of Common Ground (SOCG) that the effect was considered. However, there is no substantive evidence of this, and the Council are pursuing the point despite what the EHO said in any event. Indeed, it was initially suggested at the hearing that this may have been a matter that 'slipped through the net'. Consequently, the Officers' approach to this matter appears incomplete and muddled and does not alter my findings.
27. Paragraph 200 of the National Planning Policy Framework (the Framework) states that where the operation of an existing community facility could have a significant adverse effect on new development in its vicinity, as is the case here, the applicant (or 'agent of change'), should be required to provide suitable mitigation before the development has been completed. This is to ensure new development does not hamper the ability of existing facilities to function. As the agent of change, the appellant has not provided any specialist assessment that has robustly considered the potential effects. Accordingly, there is no scheme of mitigation before me.
28. Instead, the appellant submits that mitigation, if required, could be secured through a negatively worded planning condition which prevents development from commencing until an assessment of impacts is undertaken and a scheme of mitigation approved. This may work for matters such as the glazing specification, insulation and boundary treatment. However, I cannot be certain, in the absence of

any meaningful assessment, that the likely impacts of the scheme would be mitigated by these details alone. Indeed, the impacts could require the internal configuration of properties to be redesigned, or the layout of the development altered to provide a buffer. It is entirely unclear how light pollution could be mitigated if the flood lights are found to be harmful. It would be unreasonable to impose a condition if its terms could only be met by significantly altering the approved scheme. It would also be imprecise to require mitigation when there is little indication what it would involve and its prospect of success.

29. The addendum SOCG extraordinarily suggests that an application under s73 of the Act could be made to amend the scheme if the relationship with the playing fields is later found to be harmful. However, I am not prepared to permit a scheme that is likely to result in significant negative impacts on the living conditions of future occupants in the hope that the developer will benevolently make a fresh application in the future to undo the permitted harm.
30. There is an extant planning permission to demolish the MUGA and the adjacent buildings and replace them with a new multipurpose building. The permission expires in November this year, but the Parish Council has submitted applications to discharge the pre commencement conditions and has amassed sufficient funds to make a start. I was advised during the hearing that this is their intention. Consequently, there is a reasonable prospect of the development occurring.
31. If implemented, the approved scheme would remove some of the sources of noise and disturbance such as the flood lights, the MUGA and the changing rooms. The permission is also subject to conditions that prohibit amplified music and external illumination, controls the hours of operation and requires a scheme of noise insulation. That said, the EHO has raised concerns through the addendum SOCG that the new community leisure building could significantly impact the living conditions of the occupants of Plots 7-11 and 24-26 due to noise and disturbance. For example, unamplified noise could occur on the terrace, and I understand the approved building would have a capacity for up to 200 people, which could result in significant levels of activity.
32. I am also concerned that the approved car park would see a long bank of vehicles parked directly along the shared boundary. It is also unclear whether the package of mitigation required by conditions attached to the permission for the multipurpose building would be sufficient to safeguard the amenity of future occupants of the appeal scheme. This is because I was advised at the hearing that they are aimed at addressing the effects on the occupants of Vicarage Court, who are further away than the proposed residential receptors would be. Accordingly, if implemented, the approved facility may have a lesser impact than what currently exists, but it does not follow that it would have no adverse impacts, or that any adverse impacts can be mitigated without making amendments to the layout of the appeal scheme.
33. To summarise, both the existing and proposed facilities to the immediate east of the appeal site are likely to have a significant impact on the living conditions of some of the future occupants of the appeal scheme. As the agent of change, the appellant should have investigated this further and incorporated any necessary mitigation. In the absence of this, the appellant has failed to demonstrate that the living conditions of future occupants would be acceptable and that the appeal scheme would not prejudice the ability of the community facilities to operate.

34. Plot 6 would be located to the rear of Plots 4 and 5. Plot 4 would have a shallow garden of around 10m in depth and several first-floor rear windows. As such, the occupants of Plot 4 would be able to look directly into the garden of Plot 6 at close range. Indeed, the entire garden at Plot 6 would be overlooked. Shoe-horning Plot 6 into the proposed development in this way would result in harmfully poor living conditions for the future occupants of this property due to a lack of privacy.
35. In conclusion, the appeal scheme would not provide adequate living conditions for some of the future occupants of the appeal scheme. These properties predominantly being those in the northeast corner of the site as well as Plots 24-26. This would be contrary to the design principles in the Maldon District Design Guide (MDDG), such as principle C17, which seeks to prevent noise being a significant source of aggravation for residents. The proposal would therefore be at odds with Policies S1 and D1 of the LDP, which seek to secure development which would be of high-quality design and has regard to the design principles in the MDDG.

Whether the proposed development would provide an adequate housing mix

36. Policy H2 of the LDP states that all development will be expected to provide a suitable mix and range of housing to reflect local housing need and demand. This is not the same as a requirement, but it is nevertheless a strong expression that something should happen. The evidence base for this policy was a Strategic Housing Market Assessment that has since been superseded by a Local Housing Needs Assessment prepared in 2021 (LHNA). However, I share the view of the Council that Policy H2 is drafted to be 'future proofed', as it refers to local housing need and demand without mentioning a specific document. This allows the flexibility to consider matters with regards to the most recent evidence. There is nothing of substance before me to demonstrate there is no longer a need for housing to reflect local need and demand.
37. The LHNA outlines a need for smaller properties to aid downsizing and address housing affordability in the district. It also explains that the district has a relatively high proportion of 4-bedroom properties compared with other locations. The LHNA therefore sets out an indicative mix with a recommendation that the majority of houses are 2-3 bedrooms (the number of bedrooms being an indication of the size and affordability of the homes). Indeed, it suggests that 25-35% of homes are 2-bedroom properties, 40-50% are 3-bedroom homes and only 15-25% should be 4-bedroom dwellings.
38. The proposed mix of homes would not reflect this, as only 16% would be 2-bedroom properties and 28% 3-bedroom properties. Around 56% of the homes would be four-bedroom properties. The LHNA does allow for flexibility by expressing the suggested mix for each property type within a percentage range. It also explains that the mix should be considered on a case-by-case basis. For example, an inner urban site might be better suited to a higher proportion of 1-2-bedroom properties given the opportunity for higher densities. A greenfield site on the edge of a settlement may be more appropriate for larger family accommodation when considering the character of the area. Therefore, in such development the proportion of four-bedroom properties could be closer to 25% than 15%.
39. In this instance, the appeal site is an edge of settlement site adjacent to existing low density suburban development. As such, there is a rationale for providing a higher proportion of four-bedroom homes. However, the appeal scheme would

disproportionately provide more than double the upper level. It would therefore frustrate attempts to address housing affordability and downsizing. Accordingly, the expectations of Policy H2 would not be achieved and I considered this to be an adverse effect of the scheme.

The effect of the appeal scheme on reptiles

40. There is agreement between the Council and appellant that the appeal site is suitable habitat for protected reptiles. They also agree that translocation to an off-site receptor location would be necessary to ensure the urbanisation and site clearance caused by the appeal scheme would not have a net adverse impact on these protected species
41. A possible receptor site has been identified but there are no concrete proposals to use it. As such, the Council has recommended a negatively worded condition that would prevent development from taking place until the translocation of reptiles has occurred in accordance with approved details. The details would include confirmation of the receptor site along with a management plan for it. Indeed, the appellant's Ecologists suggest the management plan for the receptor site should cover a period of between 10-20 years.
42. A negatively worded condition can be used to prevent development occurring until another action has taken place. This is because wording the condition in this way places a prohibition on the act of development within the appeal site, which would be under the control of the developer. However, the receptor site is not within the appeal site. As it has not been identified there is nothing to confirm it would be within the control of the developer. Therefore, the Council would not be able to enforce the management plan. As such, there is no way of ensuring the receptor site would remain as suitable reptile habitat.
43. The Council suggested at the hearing that a condition could be imposed that requires the developer to identify a receptor site, secure it and then transfer ownership/control to the occupants of the appeal scheme. The idea being that the Council could then enforce against the occupants of the appeal scheme if the management plan was not being adhered to. I have serious doubts about the practicality of taking collective enforcement action against the future residents of a housing scheme. I am also not satisfied that such a condition would be reasonable given the uncertainty. During the hearing I asked the Council to put their proposal in writing to provide greater clarity, but nothing has been forthcoming³.
44. Notwithstanding these reservations, such a condition would require the developer in the first instance to enter into a legal agreement with the owner of the receptor site. This is because a legal agreement would be required to ensure the owner of the receptor site allows reptiles to be translocated to it and for the site to be managed as suitable habitat. This is confirmed by the appellant's Ecologist in a letter submitted as part of the application. The Planning Practice Guide (PPG) explains that a negatively worded condition limiting the commencement of development until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. However, this may be appropriate in exceptional circumstances, such as particularly complex schemes.

³ And the deadline I set has expired.

45. During the hearing it was suggested that the agreement of the Council to this approach, and the willingness of the appellant to follow it, were exceptional circumstances. As a matter of judgement, I do not agree because simply agreeing to a course of action is not an exceptional circumstance. The project is not especially complex in any event. Indeed, the more conventional approach of identifying the receptor site and then the owner, appellant and Council entering into a planning obligation or other agreement would be a more certain (and thus enforceable), transparent and appropriate approach. The fact that a possible receptor site has already been identified adds weight to this finding.
46. Furthermore, the PPG also explains that when contemplating the use of this type of negatively worded condition, it is necessary in the interests of transparency to agree the heads of terms. This has not occurred because the parties were not intending to enter into a legal agreement. Furthermore, it would also be prudent to include the owner of the receptor site in such discussions, as their agreement would be crucial. This adds further weight against the suggested condition.
47. In conclusion, for the reasons given above, I am not satisfied the suggested condition would provide a reasonable and enforceable mechanism for securing suitable translocation. As such, it cannot be imposed and therefore the translocation would not be secured. The proposal would therefore harm protected species contrary to Policy S1 of the LDP, which seeks to secure development that conserves the natural environment by protecting and increasing local biodiversity.

The effect on early years education

48. The Council is seeking a financial contribution towards early years education of around £67,000. During the hearing I heard evidence from the appellant's team that the birth rate is falling locally and therefore the demand for early years places is reducing despite the increase in the funding entitlement for parents. The appellant therefore submits that an early year's education contribution is unnecessary as there is capacity to cover any demand from the appeal scheme.
49. The Council did not substantively contest this point during the hearing or adduce evidence of its own for me to weigh against what I heard. Essex County Council, as the education authority, were not in attendance. Moreover, I was advised by the appellant's team that the private sector, which accounts for around 92% of early years education in the area, could 'flex' to accommodate the modest demand that would arise from the appeal scheme. Thus, the balance of the evidence before me points more clearly towards the contribution being unnecessary.
50. The contribution is included in the planning obligation on a precautionary basis. However, as the contribution would fail to meet the tests in the CIL Regulations and Paragraph 58 of the Framework, I have not taken it into account in my decision.

Other Considerations

51. For the reasons set out above, the appeal scheme would be at odds with the development plan taken as a whole. An appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the scheme and the provisions of the Framework are important considerations in this instance.

52. The Council are currently unable to demonstrate a five-year housing land supply. In such circumstances Paragraph 11 of the Framework⁴ states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. In doing so, the Framework states that particular regard is given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
53. The appeal scheme would deliver 36 homes at a point in time when the housing land supply is only around 2.7 years. This is a serious and significant shortfall at odds with the Framework's aim of significantly boosting the supply of housing. The Council's track record on housing delivery has apparently been good in recent years. Nevertheless, due to recent changes in the way the housing requirement is calculated, the Council now has a serious deficit and needs to identify more land for homes. I was advised at the hearing that a new local plan would be required to proactively drive this. However, a new local plan is unlikely to be in place until 2028-29. In the prevailing context, the delivery of housing is a very important benefit of the scheme, especially as the scheme would be an efficient use of land and could be delivered quickly by a small to medium sized developer.
54. In addition, the proposal would deliver 11 affordable homes as secured by the necessary planning obligation. This is a significant benefit given the challenging local position with affordability. I have not given this matter substantial weight because 11 homes would be modest contribution.
55. The proposal would result in new homes adjacent to a 'larger village' as defined in the LDP. Accordingly, the homes would not be isolated and would be close to services and facilities, including a primary school, shop and rail station. Constructing the houses would result in some modest economic benefits as would the spending of the future occupants. Some of the homes would exceed recognised space standards resulting in a modest benefit. A small biodiversity net gain of around 13% would also be secured. There would also be a benefit from providing a public open space, but as it would be tucked away and lacking in connectivity with the adjacent playing field, it would mainly be used by future residents rather than the wider community and is a matter of little positive weight.
56. There is no substantive evidence before me to demonstrate that the financial contributions secured through the planning obligation would go beyond simply mitigating the impacts of the appeal scheme. Accordingly, they are a neutral matter in the balance in the same way providing parking to meet local standards or addressing flood risk would be. Details relating to low carbon and renewable energy are not before me. The appellant advised at the hearing that the intention is to meet building regulations. As this is a baseline requirement it is a neutral matter. In any event, the provision of low carbon and renewable energy features would probably only reduce the effect of building houses on carbon emissions rather than result in a net positive outcome. The appeal site is currently a pleasant greenfield site and does not harm the character and appearance of the area. In this respect the proposed houses, although complementary of existing properties, would not enhance the visual amenity of the area. This is also a neutral point in the balance.

⁴ In this instance none of the policies in the Framework that protect areas of assets of particular importance provide a strong reason for refusal

57. Alternatively, the appeal scheme would harmfully undermine the spatial strategy in the LDP. Officers afforded this matter little weight because of a previous appeal decision on the site granting permission for around 13 homes. However, this permission is no longer extant and was for a significantly lower number of homes than is now proposed. It is therefore of limited relevance. All the more so as the Inspector concluded that the spatial strategy in force at the time was inconsistent with the then Framework on account of being unduly obstructive. The current spatial strategy is more nuanced and is not inherently inconsistent with the Framework. That said, a rigorous application of Policy S8 would frustrate attempts to remedy the housing shortfall any time soon. Therefore, for this reason, and because the site is located on the edge of a relatively large settlement, the conflict with the spatial strategy is a matter of limited weight in this instance.
58. However, the Framework seeks to secure high quality design and a high standard of amenity. Indeed, it states that development which is not well designed should be refused. Thus, the harm to the character and appearance of Vicarage Court and the living conditions of the occupants of No 8, as well as the impact on future residents, are collectively notable matters weighing against the scheme. Added to this, the over provision of large homes would offend the Framework's aim to deliver the size and type of housing needed by a local community. The failure to secure the translocation of reptiles would be a further significant point against the scheme as it would be at odds with the Framework's requirement to conserve and enhance priority species.
59. Overall, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It therefore follows that this is not a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Other Matters

60. Various concerns have been raised by interested parties including reservations regarding the impact on drainage and highway safety from truncating driveways in lieu of the proposed pavement. However, given my findings it has not been necessary for me to address these matters further as the appeal has failed. Similarly, as I am not minded to allow the proposed plan or project, there is no need to undertake an appropriate assessment pursuant to the Habitat Regulations.

Conclusion

61. The appeal scheme would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Robert Pomery BA (Hons), Dip TP, MRTPI	Pomeroy Planning Consultancy
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Michael Smith	Pomeroy Planning Consultancy
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Alfredson York Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY

Nick Grant,	Barrister, Landmark Chambers
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Saffron Loasby	Senior Planning Officer, MDC
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Micheal Johnson	Head of Service, MDC
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Cllr Tony Fittock	District Council Ward Member for Althorne Chairman of Latchingdon Parish Council, Chairman of The Dengie Hundred Group of Parishes.
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Cllr Adrian Fluker	District Council Ward Member for Southminster and Member of Southminster Parish Council
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INTERESTED PARTIES

John Langer	Local Resident
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Colin Stone	Local Resident
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Julie Saunders	Local Resident
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Partrick Cassidy	Local Resident
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Angela Cassidy	Local Resident
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Sharon Venneear	Local Resident
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Gordon Harrold	Chariman, Southminster Parish Council
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DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

- Certified copy of the Planning Obligation

Appendix C – Committee Report in respect of land adjacent to the Westering's, Purleigh (application references 25/00473/OUTM and 25/00474/OUTM)

28 October 2025



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



APOLOGIES: Committee Services
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 5 NOVEMBER 2025 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen



AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 5 NOVEMBER 2025

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting**

To confirm the Minutes of the meeting of the Committee held on 8 October 2025 (copy to be distributed in a supplement to follow).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **25/00473/OUTM and 25/00474/OUTM, Land Adjacent Westerings, Purleigh**
(Pages 7 - 46)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)*.

6. **25/00616/OUT - Land Adjacent Crispins Roots Lane, Wickham Bishops** (Pages 47 - 72)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)*.

7. **25/00022/FUL - Land at The Warren Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter** (Pages 73 - 84)

To consider the report of the Director of Place, Planning and Growth (copy enclosed, Members' Update to be circulated)*.

8. **Any other items of business that the Chairperson of the Committee decides are urgent**

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos.6 and 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees
 - * Please note the list of related Background Papers attached to this agenda.
5. In line with the Council's Public Speaking Protocol this facility will not operate in relation to Agenda Item 5

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

Lift

Please be aware, there is not currently lift access to the Council Chamber.

DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third-party representations and consultation replies received.
3. The following Statutory Development Plans and Other Material Considerations:

Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

Other Material Considerations

Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [The Town and Country Planning Act 1990](#) (as amended)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [The Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [The Neighbourhood Planning \(General\) Regulations 2012](#) (as amended)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended)
- [Growth and Infrastructure Act 2013](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

Guidance, Supplementary Planning Documents (SPD) and Design Statements

National-scale

- [National Planning Practice Guidance](#)

Sub-Regional / Essex-scale

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

District-scale

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

Local-scale

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

Maldon District Local Development Plan Review Evidence Base

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
 - [Assessment of Selected Sites](#)
 - [Maldon District Local Wildlife Sites Register 2022](#)
 - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
 - [Appendix G](#)
 - [Appendix H](#)
 - [Appendix I](#)
 - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 NOVEMBER 2025**

Application Number	25/00473/OUTM AND 25/00474/OUTM
Location	Land Adjacent Westerings, Purleigh
Proposal	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
Applicant	Rosconn Group
Agent	Mrs Samantha Stephenson - Phase 2 Planning
Target Decision Date	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
Case Officer	Fiona Bradley
Parish	Purleigh
Reason for Referral to the Committee / Council	Departure from the local plan Major Application

1. BACKGROUND

- 1.1 The applications were reported to the North Western Area Planning Committee on 8 October 2025 with the following recommendations:

25/00473/OUTM That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

25/00474/OUTM To **APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

- 1.2 The previous Committee report is attached at **APPENDIX 1**.
- 1.3 Following a discussion at the Committee meeting, it was clear that Members were minded to overturn the Officer recommendations. Given this potential overturn, and in accordance with the Council's Constitution, the 'constitutional brake' was invoked.
- 1.4 The purpose of this report is to provide further advice to Members on the potential reasons for refusal.

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

- 2.1 Paragraph 11d of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be

granted unless, at 11d)ii, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to:

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

2.2 The above impacts are to be taken individually or in combination.

2.3 As identified by Members, the main area of concern was regarding the site being in an unsustainable location with poor access to, and provision of, public transport. The relevant policies within the Maldon District Approved Local Development Plan 2017 relating to these issues include the following:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- T1 Sustainable Transport
- I1 Infrastructure and Services

2.4 A suggested reason for refusal for both applications could include the following:

The Council's strategic policies seek to focus growth in the District's main settlements of Maldon, Heybridge and Burnham-on-Crouch as they constitute the most suitable and accessible locations in the District. The proposal would introduce residential development beyond the settlement boundary of Purleigh, identified as a 'smaller village' in Policy S8 which provides limited services, facilities and employment opportunities, where the principle of the proposed development is not supported. The site is not well located in terms of access to and provision of public transport and access roads to and from the village are constrained and narrow. The majority of journeys to and from the site would be reliant on travel by private car. Accordingly, the proposal would result in unsustainable development.

Paragraph 11d)ii of the National Planning Policy Framework provides that applications should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the proposal:

- *is contrary to key policies for directing development to sustainable locations, and*
- *in the absence of a legal agreement, does not provide affordable homes.*

The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the LDP and the National Planning Policy Framework taken as a whole. The proposal conflicts with the development plan's spatial framework contrary to Policies S1, S2, S8, I1, and T1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.

2.5 If Members are minded to refuse permission, there would also need to be a reason for refusal relating to the lack of a Section 106 legal agreement to secure affordable housing and management of open space, and contributions towards healthcare, education, libraries, public transport and the Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Suggested drafting for a reason for refusal for both applications could include the following:

In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to include:-

- adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;*
- adequate provision to secure the completion, management and maintenance of the public open space, or the provision of the necessary contributions towards education, libraries, public transport and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1, T1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework*
- adequate provision to secure on- and off-site Biodiversity Net Gain in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.*
- a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.*

3. SUMMARY

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

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**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
8 OCTOBER 2025**

Application Number	25/00473/OUTM and 25/00474/OUTM
Location	Land Adjacent Westerings, Purleigh
Proposal	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
Applicant	Rosconn Group
Agent	Mrs Samantha Stephenson - Phase 2 Planning
Target Decision Date	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
Case Officer	Fiona Bradley
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the local plan Major Application

1. RECOMMENDATION

25/00473/OUTM

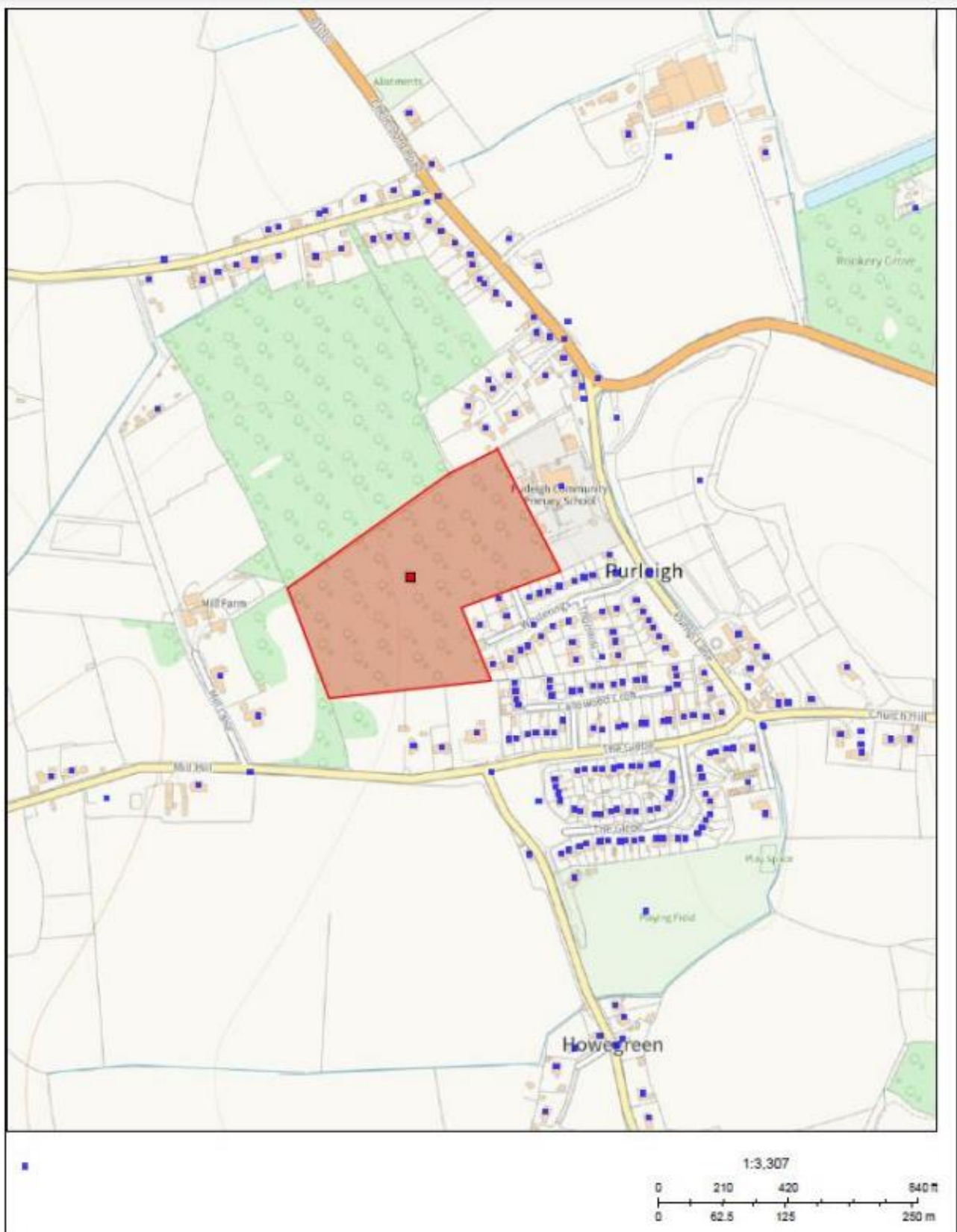
That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

25/00474/OUTM

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

2. SITE MAP

Please see below.



3. **SUMMARY**

3.1 **Proposal / brief overview, including any relevant background information**

Site description

- 3.1.1 The site lies to the west of the village of Purleigh and is approximately 3.48 hectares in size. The site consists of an open undeveloped field comprising primarily grassland, with some individual mature trees within the site. The site is enclosed on all sides by woodland, hedgerows and residential development. The site rises upwards from the east to the west.
- 3.1.2 To the east of the site, is the Purleigh Community Primary School and its playing pitches. Residential development is adjacent to part of the northern, eastern and southern boundaries of the site. This is predominately comprised of two storey detached and semi-detached dwellings. Further residential development lies to the west of the site, on Mill Lane. Purleigh Village Hall lies to the south of the site. A field lies to the north of the site which is also in the applicant's control.
- 3.1.3 A permissive footpath, 'Sally's Path', is within the site adjacent to 17 Westerings, connecting Westerings to the land to the rear of the village hall.
- 3.1.4 The site is outside but immediately adjacent to the settlement boundary of Purleigh. The site is within Flood Zone 1.

Background

- 3.1.5 Application 25/00473/OUTM has been appealed due to non-determination as the time taken to decide the application is beyond the statutory 13 week determination period for a Major application. As such, any decision taken by the Planning Committee on the Officers' recommendation can only be a 'minded to' decision. The power to determine this application now lies with the Planning Inspectorate. Application 25/00474/OUTM has not been appealed and was amended during the course of the application, removing a proposed school car park, making both applications identical. The decision making on this application will be as per normal Committee processes with the Council being the decision maker.

The Proposal

- 3.1.6 Outline planning permission is sought, with all matters reserved for subsequent approval except for access, for up to 55 dwellings with open space and relevant infrastructure.
- 3.1.7 The application is accompanied by a Framework Plan (drawing no. P05 Rev A) for approval which defines:
 - (a) The location of parcels of residential development within the overall application site boundary;
 - (b) The overall extent of land to be used for open space, play area, landscaping, surface water attenuation and other 'green infrastructure'; and
 - (c) The principal point of vehicular, pedestrian and cycle access into the site and an indication of routes of movement within the site.
- 3.1.8 Vehicular, pedestrian and cycle access to the site is proposed via an extension of Hawthornes into the site from the south, with footways extending on both sides of the carriageway.

3.1.9 The application is supported by the following documents:

- Framework plan
- Design and Access Statement
- Education Report
- Desk Study Appraisal
- Archaeology and Heritage Statement
- Health Impact Assessment
- Transport Assessment
- Food Risk Assessment
- Sustainable Drainage Report
- Arboricultural Assessment
- Landscape and Visual Impact Assessment
- Preliminary Ecological Appraisal (PEA)
- Ecological Impact Assessment
- Baseline Habitat plans
- Great Crested Newt District Licensing Certificate

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, policies in relation to housing and spatial development are no longer applicable due to the Council's Five-Year Housing Land Position (5YHLS) being 2.7 years. The lack of a 5YHLS means that, as per paragraph 11d of the National Planning Policy Framework (NPPF), the 'tilted balance' is engaged, and the benefits and harms must be weighted in the planning balance.
- 3.2.2 Taking into account the facilities and services available in the village, together with access to of public transport, the site is in a sustainable location. This view is supported by Inspectors in planning appeal decisions.
- 3.2.3 The development would result in economic benefits associated with temporary jobs during the construction of the development and through occupants using the existing services and facilities.
- 3.2.4 There are social benefits as a result of the proposed development. The proposal would provide 55 new homes of which 40% (22 homes) would be affordable, thus it would make a significant contribution to the 5YHLS and help to address the shortfall in affordable housing.
- 3.2.5 Any other remaining planning matters can be addressed via conditions or through a Section 106 (S106) agreement. For the reasons set out in this report, the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.
- 3.2.6 As stated earlier, due to an appeal against non-determination, the Council does not have the power to decide the outcome of this application. Any decision taken on the Officers' recommendation would be a 'minded to' decision if the Local Planning Authority (LPA) had the power to do so. This is the case whether the Committee decision is to approve in accordance with Officers' recommendation or refuse against the recommendation.

4. **MAIN RELEVANT POLICIES**

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

4.1 **National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48 – 51 Determining applications
- 56 – 59 Planning conditions and obligations
- 61 - 84 Delivering a sufficient supply of homes
- 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

4.2 **Maldon District Local Development Plan 2014 – 2029 (LDP) approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.3 **Relevant Planning Guidance / Documents:**

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2021) (LHNA)
- Green Infrastructure Strategy SPD
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

Highways

- 4.4.1 £170,000 is sought to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority required the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed.

Healthcare

- 4.4.2 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.

Education

- 4.4.3 No obligations are sought for Early Years and Childcare and Primary Education.
- 4.4.4 Secondary Education - The demand generated by this development would require a contribution towards the creation of 11 additional places. A developer contribution of £302,412 index linked to Q3 2024, is sought to mitigate its impact on local Secondary School provision. This equates to £27,492 per place.
- 4.4.5 School Transport – No requirement for primary school transport. The closest secondary school to this development is Plume School. As this school is over 3 miles away from the development, they would be entitled to transport under the Education Transport policy, so there would be a requirement for a school transport contribution to this establishment. The cost of providing this is £65,417 Index Linked to 2Q 2023, applying a cost per Secondary pupil of £6.26.
- 4.4.6 Libraries - The suggested population increase brought about by the proposed development is expected to create additional usage of a local Library. A developer contribution of £4,279 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. This equates to £77.80 per unit, index linked to April 2020.
- 4.4.7 The Monitoring Fee will be charged at a rate of £700 per obligation (financial and otherwise).

Affordable housing

- 4.4.8 In accordance with planning policy, 40% of all homes to be delivered either on site or via a commuted sum.

RAMS

- 4.4.9 As set out below, this is a requirement in order for the proposed development to pass the relevant tests under the 2017 Habitat Regulations.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (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).
- 5.1.2 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. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow, at m, development which complies with other policies of the LDP.

Five-Year Housing Land Supply

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the LPA for the Maldon District should “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, 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, Maldon District Council (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. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 year supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is '*sustainable development*' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.10 In this case, the application site is located adjacent to the settlement boundary of Purleigh which is defined within the adopted LDP as a 'smaller village'. However, the Rural Facilities Survey and Settlement Pattern (May 2023) ranks Purleigh as a 'medium village'. In terms of facilities and services in the village, there are the following:
- Purleigh Community Primary School
 - Purleigh Village Hall
 - Purleigh Community Shop (this sells all day-to-day foods such as milk and bread, it has a weekly fruit and veg box services, and is open 7 days a week)
 - The Purleigh Bell public house
 - Purleigh Cricket Club / Playing Fields
 - All Saints Church
- 5.1.11 There are bus stops on Pump Lane, the nearest bus stop to the application site is located approximately 350m to the south of the site at the junction of Pump Lane / The Glebe with Church Hill. Both east and westbound services operate from the same stop serving Maldon, Southminster, Bradwell-on-Sea, Chelmsford and Burnham-on-Crouch.
- 5.1.12 A footway provides access from the site to all of these services and facilities and the bus stops.

- 5.1.13 An appeal decision dating from 14 June 2021, for the erection of six dwellings at Novoli Farm, Pump Lane in Purleigh (20/00486/FUL, appeal ref. APP/X1545/W/21/3267889), is a relevant material planning consideration. The appeal was refused, however at para. 23 the Inspector stated *"The proposal would also be situated in an accessible location in close proximity of local shops, services, facilities that would be supported by future occupiers, thereby positively contributing to the vitality and viability of the local economy, including that of Purleigh. There would also be a choice of transport modes for future occupiers, other than private motorised vehicles. These benefits would therefore meet relevant requirements of Policies S1 and H4 of the LDP."* This was given moderate weight by the Inspector due to the scale of the development in relation to the size of the village. This decision was taken when the Council did not have a 5YHLS, however the shortfall was minimal at 4.9 years' supply. Significant weight is given to this appeal decision.
- 5.1.14 This accords with more recent appeal decisions at Cold Norton (in the parish of Purleigh) and Stow Maries, both for two new dwellings. At Land adjacent to Eastholm, Latchingdon Road, Purleigh (24/00235/FUL, appeal ref. APP/X1545/W/24/3347605), the Inspector found that *"... although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LP, in the context of the rural district of Maldon, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, without undue reliance on private cars for long distance journeys"*. This decision was at a time when the Council did not have a 5YHLS.
- 5.1.15 In the more recent Stow Maries decision, dated 31 July 2025, (23/00977/OUT, appeal ref. APP/X1545/W/25/3362093) the Inspector considered the location to be sustainable and stated at para. 16:
- "Stow Maries is a small village that has limited services, but it is connected to the neighbouring village of Cold Norton by footpath. Cold Norton has services including a convenience store, primary school, pub, and golf/country club, and these are all accessible on foot from the appeal site. Whilst the nearby bus stop has a limited service, a sustainable mode of transport is available and given that services at Cold Norton are available on foot, future occupiers would not need to be reliant on a bus service. Whilst the pavement to Cold Norton is unlit, future occupiers would be able to safely use the footpath during daylight hours."*
- 5.1.16 The above appeal decisions are given weight as material planning considerations as the circumstances of both, in terms of provision of and access to day-to-day facilities and services, are similar to that of the application site.
- 5.1.17 The facilities and services in the village, the presence of the footway, together with bus services to Maldon and Chelmsford, limits the needs to travel by car and a genuine choice of transport modes are available in accordance with para. 105 of the NPPF. As such, and in accordance with the abovementioned appeal decisions, the location is sustainable.

Economic Dimension

- 5.1.18 The development would make a moderate contribution to the local economy through the construction of the proposed dwellings. The addition of up to 55 dwellings would also support the existing services and facilities in Purleigh through their use by the new residents. This would accord with para. 83 of the NPPF which supports sustainable development in rural areas advising that *"housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will*

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

Social Dimension

- 5.1.19 The proposed development would provide new houses, including affordable housing. Accordingly, the proposal would contribute positively to the housing need in the District.

Conclusion of principle of development

- 5.1.20 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal. Notwithstanding the current position regarding the Council’s 5YHLS, as noted earlier in this report, the site in a sustainable location and the development would positively support the existing services and facilities in the village and contribute positively to the housing provision, and affordable housing provision, for the District. These factors weigh heavily in support of the proposal in the planning balance. This is discussed further in the conclusion of this report.

5.2 Housing Need

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The LHNA is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.3 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.
- 5.2.4 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District’s housing stock provides for a wide range of housing needs and offers choice. As this application is in Outline form, the size of properties is not being set as part of this application and would be a matter for detailed design in due course. However, the submitted Planning Statement states at para. 6.13 that *“the development would comprise a mix of 1-4 bedroom properties and a mix of house types, to cater to a range of needs”*. A condition is recommended to ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA.

5.3 Affordable Housing

- 5.3.1 Policy H1 requires that all housing development of more than ten units or 1,000sqm 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. The site is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide a minimum of 22 affordable dwellings on the site.

- 5.3.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day-to-day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.3.3 The LHNA identifies a tenure split of 75% Affordable / Social Rented and 25% Intermediate Housing.
- 5.3.4 The Council's Strategic Housing Department has advised that "Currently the greatest demand is for 3-bed 5 person rented houses. The longest a family (accepted as homeless) has been waiting in temporary accommodation in Band B Overcrowded needing a 3-bed property is 4 years 7 months. To meet this need Strategic Housing Services will be looking to support the provision of 3-bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021". It also advises that the NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.
- 5.3.5 To meet the increasing need for affordable housing for older people / people with a disability, Strategic Housing would request 1-bed 2 person bungalows (semi-detached or terraced) as part of the requirement percentage of smaller affordable homes and that these are rented properties with wet rooms / showers.
- 5.3.6 Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and /or no higher than Local Housing Allowance whichever is the lowest.
- 5.3.7 It is also noted that the Parish of Purleigh is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, DPAs in the East of England Schedule 7. If the Intermediate dwellings were to be provided as Shared Ownership, this restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property. However, it is possible for the Registered Provider to remove this restriction subject to the approval of both Homes England and MDC.
- 5.3.8 Strategic Housing Services supports the application and would welcome further discussion with the Applicant with regards to the mix, tenure and sizes of the affordable properties as per Policy H1 of the LDP / LHNA.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

5.4.2 Paragraph 131 of the NPPF states that:

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

5.4.3 Paragraph 139 states that:

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

5.4.4 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

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

5.4.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).

5.4.7 The proposed density would be between 30-35 dwellings per hectare, this is based on the net developable area. The Framework Plan would allow for a variation in density is proposed across the site to create character and identity, and to respond to the context of the site. Lower densities are proposed towards the west, creating a soft transition to proposed areas of public open space.

5.4.8 Large areas of open space are provided for within the site to provide for an appropriate layout and density to reflect the semi-rural / edge of village location. Details of layout, appearance, landscaping and scale would be dealt with at reserved matters stage.

5.5 Landscape and Visual Impact

- 5.5.1 Policy S1(9) seeks to conserve and enhance the natural environment and Policy S8 states that the *“countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty”*. Policy D1(1) requires development to *“respect and enhance the character and local context and make a positive contribution in terms of... (inter alia) architectural style, height, scale and massing, landscape setting, layout, orientation and density”*. D1(2) requires that proposals *“provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces”*, and D1(3) requires that developments *“contribute positively towards the public realm and public spaces around the development”*. The policy, D1(4), states that proposals should *“protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight...”* and at D1(8) states that developments must *“contribute to and enhance local distinctiveness”*. Policy D2(5) refers to green infrastructure and states that *“Negative impacts on ecology, landscape and green infrastructure should be minimised”*. Policy N2 of the LDP seeks to protect and enhance sites of biodiversity and geodiversity.
- 5.5.2 Paragraph 135(c) of the NPPF states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*.
- 5.5.3 Paragraph 187 of the NPPF states that *“planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes...”* and *“(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”*.
- 5.5.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning. The LVIA sets out the landscape context for the site at a national, county and local level. In terms of landscape impact, the LVIA concludes that *“the proposals can be integrated without significant adverse effects upon the localised or wider landscape setting”*. Regarding visual impact, the LVIA concludes that *“whilst the Proposed Development represents a level of change within the Site’s immediate visual environment, this is minimal and highly localised, and quickly reduces as distance from the Site increases. The proposals will incorporate mitigation measures to minimise visual effects, and the Site has the ability to accommodate the nature of change proposed”*.
- 5.5.5 The Council commissioned an independent review of the LVIA, undertaken by Wynn Williams Associates (the WWA Review) in September 2025. The WWA Review is satisfied the submitted LVIA provides a generally sound and methodical review of the potential landscape and visual effects arising from the proposed development.
- 5.5.6 The WWA Review has identified several areas where the LVIA could be improved to more accurately reflect the development’s potential effects. For the immediate localised landscape, it is considered that the LVIA slightly underestimates susceptibility to the proposed scheme - ‘medium’ susceptibility is more fitting than the ‘low’ level assessed and ‘low’ susceptibility for the wider landscape as opposed to the ‘negligible’ level given in the LVIA. Additionally, some visual effects on nearby residents, particularly along Callowood Croft, The Glebe, Mill Hill, and Greenvale, have not been fully assessed. Also, the visual effects experienced by users of the well-used local footpath known as ‘Sally’s Path’ have not been considered, despite clear visibility across the site from this location.

- 5.5.7 These are important considerations; however, the landscape and visual impacts of the proposal would be further considered through the reserved matters application. Furthermore, the impacts are localised. Therefore, although these are important considerations the WWA Review agrees with the LVIA that the landscape and visual impacts of the proposed development would not result in substantial harm.

5.6 Impact on Residential Amenity

- 5.6.1 LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted MDDG (2017) advises a suitable garden size for each type of dwelling. LDP Policy D1 also 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). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.6.2 The indicative layout is considered to be sufficient to demonstrate that there is sufficient space within the site for the above requirements to be met with specific details to be determined at reserved matters stage.
- 5.6.3 There is also sufficient space on site for the proposed dwellings to have sufficient private amenity space, as set out in the MDDG. This would also be considered at reserved matters stage.
- 5.6.4 The application is supported by a Health Impact Assessment which identifies short terms impacts on the local community during the construction period. The Council's Environmental Health team has recommended a construction environmental management plan should be secured by condition, given the proximity of residential properties, the school and possible site access arrangements. This is included in the recommendation below.

5.7 Access, Parking and Highway Safety

- 5.7.1 The application is supported by a Transport Assessment prepared by Rappor (May 2025).
- 5.7.2 A significant number of letters of representation have raised concerns regarding highway safety, in particular the issue of impacts arising during the school drop off and pick up times. The case officer visited the site during the school pick up time and acknowledges the points raised by residents. However, Essex County Council (ECC) as the Highway Authority has reviewed the submitted information and advised that the proposals include the provision of an appropriate access to the site via Hawthornes and are satisfied with the submitted Transport Assessment. No objection is raised as the Highway Authority advise that the development would not result in a severe impact on the highway safety and efficiency.
- 5.7.3 In the absence of an objection from the Highway Authority, Officers do not consider a reason for refusal on the grounds of highway safety could be substantiated.
- 5.7.4 A number of conditions are recommended which are included in the recommendation below. In addition, to ensure compliance with the Council's VPS, a condition requiring details of cycle and vehicular parking in accordance with the standards is recommended.

- 5.7.5 In addition, the Highway Authority seeks a financial contribution of £170,000 to improve public transport links between the site and other local destinations, including Maldon. In addition, the Highway Authority requires the provision of new bus stops in each direction on Pump Lane in the vicinity of the site, the precise details including location and specifications are to be agreed. These mitigation measures are necessary to make the application acceptable in reducing the need to travel by car through promoting sustainable forms of transport. These obligations would be secured via a S106 legal agreement.
- 5.7.6 Subject to the recommended conditions and securing the mitigation through a legal agreement, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

5.8 Ecology and Biodiversity

- 5.8.1 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'.
- 5.8.2 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.
- 5.8.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

Ecology

- 5.8.4 The application was supported by a Preliminary Ecological Appraisal (PEA) (RammSanderson, April 2025). Following an initial holding objection from the Council's ecology consultant, an Ecological Impact Assessment (EclA) was submitted together with Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (signed by Natural England).
- 5.8.5 The EclA includes field surveys including bat survey, breeding bird survey, great crested newt survey (including eDNA) and biodiversity. No signs of badger were recorded however the EclA recommends a pre-commencement survey to be undertaken.
- 5.8.6 The ecology consultant has reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and advised there is sufficient information to assess the impacts. No objection is raised in this regard and conditions are included in the recommendation to ensure necessary mitigation is secured.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.8.7 In terms of offsite impacts, the application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.8 The development of up to 55 dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE'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 (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

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

- 5.8.9 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution. The RAMS tariff is £169.45 per dwelling (2025/26). This would be secured via a S106 legal agreement.

Biodiversity Net Gain (BNG)

- 5.8.10 Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 5.8.11 In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: other neutral grassland, mixed scrub, ponds, Heathland and shrub – Blackthorn scrub and urban trees. This is secured by way of a condition.
- 5.8.12 The Council's Ecology Consultant has raised a holding objection pending further information relating to BNG. In particular, a new baseline habitat is required to include the revised metric area of a tree and the condition assessment sheets for the

baseline habitats are required. However, it has been confirmed that the information has been provided. A biodiversity gain condition, as a pre-commencement requirement, is included in the recommendation.

5.9 Flood Risk and Drainage

- 5.9.1 The application is supported by a Flood Risk Assessment and a Sustainable Drainage Report, both prepared by Pell Frichmann.
- 5.9.2 The site is wholly located in Flood Zone 1 and is therefore at low risk of flooding from all sources including fluvial, ground water and surface water flooding.
- 5.9.3 To mitigate the impact on increased hard surfacing on the site resulting from the development, the Sustainable Drainage report states that attenuation on site would be required, this would be via an attenuation basin in the eastern part of the site. AS the application is in outline form, specific details of the drainage strategy have not yet been provided.
- 5.9.4 The application has been reviewed by the Lead Local Flood Authority who advise that no objection is raised subject to a number of conditions. Anglian Water has also advised that, a condition requiring the submission of a surface water management strategy is recommended.
- 5.9.5 In terms of foul water drainage, it is proposed to connect to the foul sewer maintained by Anglian Water. Anglian Water were consulted and has advised that the Purleigh water recycling centre has capacity to accommodate the flows from the proposed development. Informatives are recommended regarding the connection to the sewerage network.
- 5.9.6 Overall, no objection is raised in regard to flood risk and drainage.

5.10 Other Material Considerations

Heritage

- 5.10.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the setting of listed buildings. The site is not within or adjacent to a conservation area.
- 5.10.2 The closest designated heritage assets are the Grade II listed Mill House and Mill Farmhouse which lie approximately a hundred metres to the west. However, these houses (now combined as a single residence) face away from the site and are screened from it by vegetation. The submitted Framework Plan illustrates retained and supplemented planting along the west side of the site which would help ensure minimal impact on the setting and significance of the listed buildings. As such, the Council's Principal Conservation and Heritage Officer advises that the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 5.10.3 A geophysical survey has been undertaken for the site but the results, though negative, are inconclusive. The Essex Historic Environment Characterisation Project has identified the Purleigh area as having medium archaeological potential. Accordingly, the County archaeologist has advised that any development on site

should be preceded by a programme of archaeological investigation. This is included as a condition in the recommendation below.

Trees

- 5.10.4 The site contains a number of individual trees within the site and groups of trees. The application is supported by an Arboricultural Assessment prepared by FPCR (May 2025). The Council's Tree Consultant advises that six moderate value trees and five low value trees / groups of trees require removal to facilitate the proposed development. However, there substantial space is retained for new planting in mitigation. A condition is recommended to safeguard retained trees.

Ground Conditions

- 5.10.5 The application is supported by a Desk Study Appraisal prepared by Crossfield Consulting. The Council's Environmental Health Officer advises that the report fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. Accordingly, a site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. On this basis, a contaminated land condition is recommended.

Pre-commencement conditions

- 5.10.6 The applicant, via their agent, has agreed to the proposed pre-commencement conditions.

5.11 Planning Balance and Conclusion

- 5.11.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.11.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states:
- "any adverse impacts of doing so (approving the development) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
- 5.11.3 In regard to the above and 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.
- 5.11.4 The main impacts of the proposal which are benefits are:
- providing new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position;
 - the delivery of affordable housing (22 units) is given substantial weight;

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- the development would provide high quality public open space, amenity areas for existing and future residents and is given significant weight;
- employment opportunities arising from the proposals though the construction period. This is given moderate weight due to the size of the development and the temporary nature of the benefit;
- economic benefits resulting from the occupants using the village's existing businesses. This is given moderate weight.
- matters in relation to landscape and ecological enhancements are given moderate weight, and the development would deliver on-site BNG, which would be secured for 30 years; and
- in addition, the development would be acceptable in terms of flood risk and drainage and would ameliorate onsite issues, subject to final details at reserved matters stage and via condition. This is given limited weight.

5.11.5 The main impacts of the development that are harmful are:

- the discordance with the development plan. This is given significant weight given the location of the site outside of the settlement boundary;
- landscape and visual impact. This is given moderate weight given that the impacts are localised and can be addressed at reserved matters stage; and
- other matters of amenity, different types of pollution and highways are given very limited weight in this instance, given that the technical assessments have satisfied the relevant policies and legislation and/or can be addressed by way of conditions. Impacts resulting from overlooking and loss of privacy can be addressed at reserved matters stage.

5.11.6 The planning balance is not a mathematical exercise whereby a number of weights of benefits equals an acceptable scheme but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the harms identified with this proposal, which are of importance to decision making. On the merits of this particular proposal, the benefits clearly outweigh the harms.

6. ANY RELEVANT SITE HISTORY

6.1 No relevant planning history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils (*summarised*)

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object for the following reasons: 1. Settlement boundary - Site lies outside the defined settlement boundary, will result in urbanisation harming the character and openness of the countryside. 2. Impacts on wildlife and the environment - Purleigh Meadows is valued locally as a wildlife haven.	The responses are set out as per the numbering in the adjacent comment column. 1. Settlement boundary is discussed in section 5.1 of this report (principle of development). 2. Impact on wildlife and

Name of Parish / Town Council	Comment	Officer Response
	<p>The destruction of this natural environment will be contrary to planning policies.</p> <p>3. Flooding and drainage issues – surface water from the site has resulted in flooding in Pump Lane, The development will exacerbate this. Potential flooding of the school. Attenuation basin is inadequate. Question Anglian Water's capacity to accommodate the development.</p> <p>4. Inadequate infrastructure – power cuts are common in the village. Poor public transport. Existing services and facilities are already oversubscribed.</p> <p>5. Layout and density – density has been calculated based on gross, not net, density.</p> <p>6. Traffic and highway safety - unacceptable increase in traffic movements to the detriment of highway safety. Area is already congested at peak times, double parking is frequent, impeding access by the emergency services, and the proximity to Purleigh Community Primary School makes the situation more dangerous.</p> <p>7. Loss of amenity - adverse impact on the amenity of the occupants of neighbouring dwellings (Hawthornes, Thornhill, Westerings and Pump Lane) due to noise and general disturbance. Children will no longer be able play and ride their bikes in the street due to increased traffic.</p> <p>8. Sustainability – development will result in a new residential land use in a location that is disconnected from services and facilities by reason of its unsustainable location and will provide limited access to public transportation, resulting in an increased need of private vehicle ownership. The poor sustainability credentials of the site and its locality will significantly and demonstrably outweigh any benefits of the</p>	<p>the environment is discussed in section 5.8 (ecology and biodiversity) and 5.10.4 (trees) of this report.</p> <p>3. Flooding and drainage is discussed in section 5.9 (flood risk and drainage) of this report.</p> <p>4. Inadequate infrastructure is discussed in section 4.4 (infrastructure improvements) of this report. Whilst the power cuts are noted, this would not justify a reason for refusal of the application.</p> <p>5. Layout and density is discussed in section 5.4 (design and impact on character) of this report.</p> <p>6. Traffic and highway safety is discussed in section 5.7 (access, parking and highway impacts) of this report.</p> <p>7. Loss of amenity is discussed in section 5.6 (impacts on residential amenity) of this report. In addition, the proposal provides for recreational routes within the site and a play area. These would be secured through a reserved matters application.</p> <p>8. Sustainability is discussed in section 5.1 (principle of development) of this report.</p>

Name of Parish / Town Council	Comment	Officer Response
	proposal.	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection subject to public transport improvements (financial contribution and bus stops) to be secured; conditions regarding; Construction Management Plan; provision of the access road; Residential Travel Information Pack.	Discussed in section 5.7 (access, parking and highway impacts) of this report.
Essex Police	No objection. Advice to the developer is provided in the response.	Noted
Anglian Water	No objection. Conditions recommended regarding surface water management strategy.	Discussed in section 5.9 (flood risk and drainage) of this report.
Essex Wildlife Trust	Object. The submitted PEA does not adequately cover the surveys necessary in regard to botanical survey, reptiles or breeding and wintering birds.	The EcIA submitted following these comments which addresses these points.
Lead Local Flood Authority	No objection. Conditions recommended regarding: <ul style="list-style-type: none"> • detailed surface water drainage scheme; • a scheme to minimise off site flooding; • maintenance arrangements; and • yearly logs of maintenance. 	Discussed in section 5.9 (flood risk and drainage) of this report.
NHS Mid and South Essex	The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. The sum of £38,300 is requested to be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises.	Discussed in section 4.4 (infrastructure improvements) of this report.
Essex County Council Education Authority	No objection subject to financial contributions being secured for secondary education provision, school transport and library	Discussed in section 4.4 (infrastructure improvements) of this report.

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Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	provision.	
Archaeology	No objection. There is potential for archaeological features and deposits to be present within the proposed development area. Archaeological deposits are both fragile and irreplaceable. A condition requiring development on site should be preceded by a programme of archaeological investigation is recommended.	Discussed in section 5.10.3 (archaeology) of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Strategic Housing	<p>Support. Currently the greatest demand is for 3-bed 5 person rented houses. To meet this need Strategic Housing Services will be looking to support the provision of 3- bed 5 person rented houses to the upper percentage figure or an increase above this figure as outlined in the Local Needs Housing Assessment 2021. The NPPF has a greater emphasis on the provision of Social Rented properties, and this should be taken into account by the applicant.</p> <p>To meet the increasing need for affordable housing for older people/people with a disability, Strategic Housing would request 1- bed 2 person bungalows (semi-detached or terraced) as part of the requirement percentage of smaller affordable homes and that these are rented properties with wet rooms/showers.</p> <p>Additionally, any 4-bed rented property and 1-bed rented bungalow would need to be let at Social Rent and / or no higher than Local Housing Allowance whichever is the lowest.</p>	Discussed in section 4.4 (infrastructure improvements and affordable housing) and 5.3 (affordable housing) of this report.
Waste Management	Request information as to storage of waste containers for each property and presentation point. There are 3 private roads on the development which may need communal	The application is in outline form only therefore these details are not yet available but would considered at

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Name of Internal Consultee	Comment	Officer Response
	collection points please refer to our Waste Management Technical Document attached on the number and type of bins currently being used for Waste including, Refuse, Recycling, Food & Garden waste. Also, confirmation is required that primary and secondary streets are suitable for 26 tonne vehicles – specification is in the Technical Document.	reserved matters stage. A condition has been included to address this.
Arboricultural consultant	No objection. The application is support by information indicating that 6 moderate value trees and 5 low value trees/groups of trees require removal to facilitate the proposed development. However, substantial space is retained for new planting in mitigation. A condition regarding the retention and protection of existing trees is recommended.	Discussed in section 5.10.4 (trees) of this report.
Environmental Health	No objection. The Crossfield Consulting Desk Study Appraisal fails to meet the requirements of the Environment Agency's Land Contamination Risk Management, Tier 1 preliminary risk assessment guidance insofar as it does not include a site walkover or reconnaissance visit. However, the report does recommend a limited intrusive investigation despite the relatively low risk and lack of previous development on the site. A site walkover could be completed prior to the intrusive investigation, provided that the conceptual site model is updated to inform the ground investigation's approach. A contaminated land condition is recommended and a condition requiring construction environmental management plan.	Discussed in section 5.10.5 (ground conditions) of this report.
Principal Place Officer	No objection to the residential development. <u>Comments:</u> Purleigh is one of the least connected settlements in the District for public transport connections with poor infrastructure for safe walking and cycling to and from the wider area. Car dependency is high as with most settlements in the District	The car park element of the proposal has been removed from the application.

APPENDIX 1

Name of Internal Consultee	Comment	Officer Response
	confirmed by the DfT Connectivity Tool assessment and baseline data in the published Maldon District Future Transport Strategy, ECC, 2025. There are no access details for walking and cycling through the gate at the end of Westerings Object to the proposed school car park.	
Principal Conservation and Heritage Officer	No objection. The proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Discussed in section 5.10.1 and 5.10.2 (heritage) of this report.
Ecology	Holding objection in regard to information submitted for BNG. No objection regarding RAMS and protected and priority species.	Discussed in section 5.8 of this report. The information required has been submitted for consideration however was not taken into account by the officer. Conditions have been included and RAMS secured via a S106 agreement.

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 4 June 2025 (with expiry date for comments set at 25 June 2025). The site notices were affixed at eye level to gates at Westerings and Hawthornes, immediately adjacent to the site entrance. Following a change of the proposal's description and resulting amended information, further site notices were posted on 9 September 2025 (with expiry date for comments set at 23 September 2025).
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 5 June 2025 (with expiry date for comments set at 26 June 2025).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **98** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Principle of development <ul style="list-style-type: none"> Outside settlement boundary. Contrary to Council's spatial strategy Unsustainable location. MDC has a 5YHLS. 	Discussed in section 5.1 of this report (principle of development).

Objection Comment	Officer Response
<ul style="list-style-type: none"> Amount of development is disproportionate to the village, 11% growth is ill conceived. 	
Flood risk <ul style="list-style-type: none"> Increased flood risk to adjacent properties. Existing issues from surface water which will only increase. 	Discussed in section 5.9 (flood risk and drainage) of this report.
Access, highway safety, parking <ul style="list-style-type: none"> School car park will increase congestion and highway safety. Existing congestion during school pick up and drop off time. Waste collection vehicles have difficulty accessing homes due to congestion and parking. A bespoke traffic assessment is required. Increased safety issues to people walking. Children playing etc due to increased traffic. Narrow lanes are unsuitable for this amount of development. Increased pressure on Howe Green Road, connecting Purleigh to Cold Norton. The road is very narrow. Increased use will impact road surface and increase congestion. 	<p>The school car park has been removed from the application.</p> <p>Waste collection within the site would be addressed at reserved matters stage.</p> <p>Other matters are discussed in section 5.7 (access, parking and highway impacts) of this report.</p>
Residential amenity <ul style="list-style-type: none"> Loss of privacy to existing residents due to overlooking from new homes. 	Discussed in section 5.6 (impact on residential amenity) of this report.
Impact on character of the area <ul style="list-style-type: none"> Loss of rural character/identity. Loss of dark skies. Reliance on seasonal vegetation to obscure the development. Landscape impact. 	Discussed in sections 5.4 (design and impact on character) and 5.5 (landscape and visual impact) of this report.
Infrastructure <ul style="list-style-type: none"> Impacts on capacity of doctors surgeries, dentists etc. Existing drainage infrastructure can't cope. Issues with sewage. Existing electricity network can't cope with current demand, frequent outages. Poor public transport provision. The school is already at capacity. 	Discussed in sections 4.4 (infrastructure improvements), 5.7 (access, parking and highway impacts) and 5.9 (flood risk) of this report.

Objection Comment	Officer Response
Impacts on wildlife <ul style="list-style-type: none"> Grass was mown prior to survey taking place. Impacts on protected and priority species. Impacts on breeding and wintering birds. Loss of biodiversity. Currently a vibrant ecosystem. 	Discussed in section 5.8 (ecology and biodiversity) of this report.
Construction impacts <ul style="list-style-type: none"> Dust impacts on children at school and nursery. Construction vehicles will add to traffic issues on local roads, increasing congestion. Air pollution assessment required. Noise impacts during construction. 	Discussed in section 5.6 (impacts on residential amenity) of this report.
Other matters <ul style="list-style-type: none"> Public consultation undertaken was only online, responses were ignored, it didn't allow for objections or criticism. Loss of site used for informal recreation. Loss of public footpath. It's a safe and natural play area. 	<p>Use of the site as a footpath, known as Sally's Path, is at the discretion of the landowner. At this time, it is not known if the path will continue to be provided.</p> <p>The is no permitted use of the site as a natural play area.</p>

7.5.2 **No** letters were received **in support** of the application.

7.5.3 **One** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
More housing of the right quality and in the right place is required in the UK. This development should include the right balance of affordable housing, homes for the elderly as well as for families. The two former categories should be "ring fenced" for present villagers. I would observe that the development should bring with it improvements to the road infrastructure and improved public transport. The developer should finance the improvement of the totally inadequate junction of Pump Lane with Chelmsford Road to cater for the increased traffic generated by the development. Public transport (bus routes) should include regular daily direct services to the county town of Chelmsford. The development is	Discussed in sections 5.2 (housing need), 5.3 (affordable housing) and 5.7 (access, parking and highway impacts) of this report.

Comment	Officer Response
likely to appeal to commuters who will have no practical choice, other than the use of private cars for their daily commute.	

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Off-site Recreational Avoidance Mitigation contribution in accordance with the RAMS SPD;
- On- and Off-site Biodiversity Net Gain in accordance with legislative requirements;
- Affordable housing provision as required by the Council's Strategic Housing team;
- Education contributions as identified in the ECC education response letter;
- Libraries contribution as identified in the ECC education response letter;
- On-site Open Space Maintenance obligations;
- Highways obligations as identified in the ECC highways response letter; and
- Monitoring fees.

PROPOSED CONDITIONS

Reserved Matters

1. The development shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping and layout of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters.

Time Limit

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

Approved plans

4. The development hereby permitted shall be carried out in accordance with the approved plans listed: L01 Rev A Location Plan and P05 Rev A Framework Plan.

REASON: To ensure the development proceeds in accordance with the approved plans.

Dwelling mix

5. Concurrently with the submission of Reserved Matters for layout, the dwelling mix for the development hereby approved shall accord with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment (2021) or any subsequent updated assessment.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Local Development Plan.

Ground levels

6. Concurrently with the submission of Reserved Matters for layout or landscaping, details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and finished floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the impact on the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework.

Landscaping

7. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted

in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Parking

8. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).
9. A scheme in accordance with MDC's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.
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.

Archaeology

10. 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 which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
11. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation, defined in condition 10, and any subsequent mitigation has been agreed in writing by the Local Planning Authority.
REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
12. A final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. The Post Excavation Assessment

report and/or an Updated Project Design 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 ensure the development is undertaken in accordance with the previously approved scheme to safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan.

Drainage

13. No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - If infiltration is not viable, limiting discharge rates to 2.8 l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
 - Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Runoff from the residential roofs, driveways, and roads require treatment.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan including on plot drainage which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The approved scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as

they relate to measures that need to be put in place prior to development commencing.

14. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

15. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed 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.

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 paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan.

16. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure agreed maintenance arrangements are carried out to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 167 and 174 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan

Highways

17. 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 approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- (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 approved plan shall be adhered to throughout the construction period.

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. This condition is required prior to commencement because the potential impacts to neighbouring amenity is fundamental to the

development permitted that it would have been otherwise necessary to refuse the whole permission.

18. Prior to occupation of the development hereby approved, the access road from Hawthornes shall be provided with a minimum 5.5 metre width and two 2 metre footways either side for a minimum of 15 metres into the site.
REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.
19. Prior to occupation of the development, 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.

Trees

20. No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - 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)

The protective fencing and ground protection shall be 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 detail.

REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Local Development Plan. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

Ground contamination

21. No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates

on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment shall be completed in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan.

Construction Environmental Management Plan

22. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

REASON: To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy D1 and H4 of the Maldon District Approved Local Plan.

Ecology and Biodiversity

23. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impacts Assessment (RammSanderson, August 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 and enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

24. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

25. Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

26. Prior to first operation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local authority, this shall include:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site and off-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;

- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the Local Planning Authority; and
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

27. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (RammSanderson, August 2025). The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

28. The details to be submitted as part of the reserved matters shall include a Waste Management Plan, to include details of refuse storage. The Waste Management Plan shall be implemented as approved and permanently retained thereafter.

REASON: To ensure sufficient provision for waste storage and collection for all homes and the necessary manoeuvring space for waste vehicles within the site.

INFORMATIVES

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Application plans

L01 Rev A Location Plan

P05 Rev A Framework Plan



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
5 NOVEMBER 2025**

Application Number	25/00616/OUT
Location	Land Adjacent Crispins Roots Lane Wickham Bishops
Proposal	Outline application with all matters reserved except for access for 5no 3 bedroom bungalows with detached garage and access road including turning head off existing drive.
Applicant	Jenny Moody Properties Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	11 November 2025 (Time Extension Agreed)
Case Officer	Chris Purvis
Parish	Wickham Bishops
Reason for Referral to the Committee / Council	<p>Called in by Cllr Simon Morgan to consider that</p> <ul style="list-style-type: none">• The site is outside the settlement boundary, contrary to Local Development Plan (LDP) Policy S8.• Over-development of the site, contrary to LDP Policy D1.• The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.• The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.

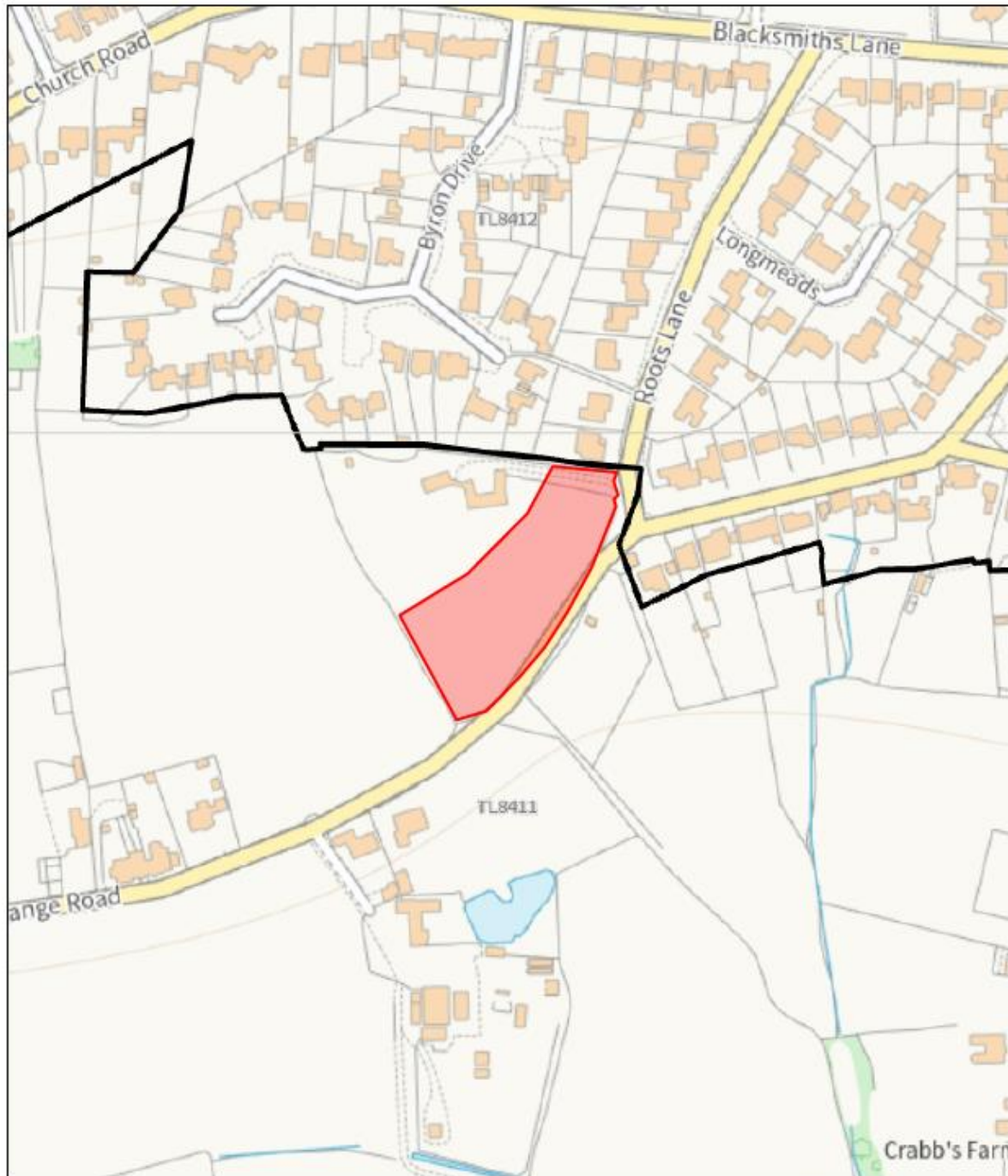
1. RECOMMENDATION

APPROVE subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.

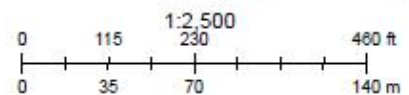
25/00616/OUT



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OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)





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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located at the junction of Roots Lane and Grange Road and is outside of the settlement boundary of Wickham Bishops. To the north and east of the site, within the settlement boundary, are residential properties comprising a mix of predominantly detached bungalows and two storey dwellings.
- 3.1.2 The site itself measures 0.49 hectares and comprises part of the existing residential garden of 'Crispins', which is a detached two storey dwelling shown in land edged blue on the application plans. The site is laid to grass with numerous mature trees within the site and along the site's frontage, which extends to the south along Grange Road which is a single lane road. There is an existing access serving the site via Roots Lane, to the north of the junction with Grange Road. A further access is located in the southern corner of the site, from Grange Road.
- 3.1.3 The site is located within Flood Zone 1 with a low risk of flooding.

Description of the Proposal

- 3.1.4 Outline planning permission is sought for the erection of five (5) 3 bedroom bungalows each with detached garages with an access road including turning head off the existing drive. The proposed access is for determination under this application, with the matters of appearance, layout, landscaping and scale being the reserved matters for future applications should Outline planning permission be approved.
- 3.1.5 The proposed access would involve creating a spur off the existing access serving Crispins, and allow access to the proposed five bungalows.
- 3.1.6 Layout (indicative) – The plan shows an indicative layout of siting of the five bungalows with four bungalows having their rear gardens backing onto Grange Road. The other bungalow for plot 5 would be set back along the side boundary with the gardens of Crispins. This arrangement would allow for the internal access road to pass in front of the principal elevations of the bungalow and allow access to each plots driveway and proposed detached garage. Each bungalow would have a rear garden and with also a side garden area for plots 1 and 4.
- 3.1.7 Scale (indicative) – All bungalows would have pitched roofs, and the plans show the bungalows would be up to 5.9m high at their ridge.
- 3.1.8 Appearance (indicative) – There are no details to show the appearance of the proposed bungalows.
- 3.1.9 Landscaping (indicative) – The layout plan and Tree Protection Plan shows the intention is to retain as much of the existing hedge and tree line fronting onto Grange Road and Roots Lane. Each plot would have front and rear garden areas mainly laid to lawn with planting beyond paving and access road areas. It is proposed to provide 1.8m high fencing between the flank (side) boundaries of the plots comprising of timber close boarded fencing on gravel boards.

3.2 Conclusion

- 3.2.1 The planning balance section of the report identifies the benefits and harms of this proposed development. Overall, weighing up the benefits and the harms it is considered that the benefits of the proposal outweigh the harms in this instance and therefore the recommendation is to Outline grant planning permission subject to the conditions and Section 106 terms as set out in Section 8 of this report.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 180-194 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Wickham Bishops Neighbourhood Plan (2022):

- WBen 01 Recreational Disturbance Avoidance and Mitigation
- WBen 02 Biodiversity and Natural Habitats
- WBen 06 New Development and Flood Risk
- WBF 02 Sustainable Means of Travel
- WBF 03 Highway Safety

- WBH 01 Design and Character

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD
- Wickham Bishops Village Design Statement

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Local Development Plan (LDP) Proposals Map shows that the site is located outside of, but borders the settlement boundary of Wickham Bishops. Therefore, policy S8 (Settlement Boundaries and the Countryside) applies and defines Wickham Bishops as a 'larger village' in the settlement hierarchy table. Larger villages are defined in the policy as *"defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport"*. The policy identifies that 'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'. Furthermore, the policy states that 'Outside of the defined settlement boundaries 'planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'. This means the development would be unacceptable in principle as policy S8 protects the countryside for its landscape value.

Housing Supply Position

- 5.1.2 Policy S2 (Strategic Growth) 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.
- 5.1.3 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, this policy and policy S2 cannot be considered as up to date due to the Council being unable to demonstrate a 5 year supply of housing land, and because the methodology of assessing the housing needs of the District, as set out in the previous version of the NPPF, has changed in the latest version of the NPPF (December 2024). This means that the Maldon District would need to accommodate more housing than the requirements as set out in policy S2, which were 276 housing units per annum. The latest housing requirement figure has risen to 575 housing units per annum. Based on this position, development proposals will need to be considered on the basis of whether they are sustainable or not, with regard to the NPPF and policy S1.

5.1.4 This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is relevant. Given the Council's current position in regard to the 5 year housing land supply (5YHLS) the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d(ii) of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.

5.1.5 From the Council's perspective, at an Extraordinary meeting of Full Council on 17 June 2025 Members considered the Maldon District Council LDP Review Growth Options and it was agreed:

That strategic growth in the Local Development Plan Review should go into the Towns and large villages – these being Maldon, Heybridge, Burnham-on-Crouch, Southminster, Great Totham South, Tollesbury, Latchingdon, Tillingham, Tolleshunt D'Arcy, Wickham Bishops and Mayland.

5.1.6 As stated above Wickham Bishops is considered as a location for strategic growth and this site borders the settlement boundary of the village.

5.1.7 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-ambles to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings but to create a better-balanced stock to meet the needs of ageing population and the needs of young people there is a need for a higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements is set out in the Maldon District Local Housing Needs Assessment, which was published in May 2021. This, like the pre-ambles to policy H2, identifies the need for one, two and three bedroom units. In more detail, the need is for two and three bedroom market units, and a need for one, two and three bedroom affordable units (affordable ownership and affordable rented).

5.1.8 Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.

5.1.9 The proposed bungalows would therefore provide three bedroom single storey dwellings for older people in regard to meeting policies H2 and H3, and WBNP policy WBH 02 Lifetime Homes requires new homes to address local need for older person's housing

Recent Appeal Decisions in Wickham Bishops

5.1.10 There have been two recent appeal decisions in Wickham Bishops for housing developments outside and adjacent to the settlement boundary. These are material considerations as they reflect the current approach taken by the Planning Inspector to the Council's 5YHLS position in affording significant or substantial weight in the overall planning balance. **APPENDIX A** includes maps showing the location of the two appeal sites.

5.1.11 On land rear of 9 Church Road an appeal was allowed and planning permission granted for the development of up to 50 dwellings (reference 23/00123/OUTM, appeal reference APP/X1545/W/23/3333081). Apart from a small section of the site at the front, the majority of the site lies outside of the settlement boundary for

Wickham Bishops. In allowing the appeal the Inspector gave significant weight to the Council's 5YHLS position and also because the development offered 50% affordable housing provision. At para. 75 of the appeal decision the Inspector states that *"the adverse impacts associated with the conflict with the development plan due to the site's location outside the DSB, the visual effect on the immediate site, while having due regard to the disadvantage that may be caused to some people with protected characteristics in terms of their choice to live in this particular development of new housing, do not significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole"*. On that basis . concluded that *"the presumption in favour of sustainable development applies and this indicates that permission should be granted"*.

- 5.1.12 On land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings (reference 24/00005/OUTM, appeal reference APP/X1545/W/24/3351210). In allowing the appeal the Inspector gave substantial weight to the Council's 5YHLS position and the provision of affordable housing and only moderate harm to the character and appearance of the area. This was considered to outweigh harms of the visual effect upon the immediate area. The Inspector in deciding the appeal, stated at para. 30 *"I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole. On this basis, the scheme would benefit from the presumption in favour of sustainable development and permission should be granted"*.

Call for Sites

- 5.1.13 The submitted Design and Access Statement refers to the site being registered in the "Call for Sites". The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference WBS8-Wickham Bishops. The outcome of this process found that the site was identified as potentially suitable for residential development.
- 5.1.14 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

Sustainability Considerations

- 5.1.15 Turning to the sustainability considerations, policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption but still follows the approach of the current NPPF's in considering the economic, social and environmental role of achieving sustainable development.
- 5.1.16 Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate a 5 year housing supply of deliverable housing at present and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF. The Local Planning Authority are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These three dimensions are assessed below.

- 5.1.17 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.18 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Paragraph 110 of the NPPF acknowledges that 'development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. WBNP policy WBF02 policy Sustainable Means for Travel is relevant.
- 5.1.19 In terms of accessibility, this village includes a range of facilities and services including a church, a village hall, recreation ground, library, general store with post office, hairdressers, health food shop, beauty saloon, tea room, vehicle repair garage, car show room, a public house and a doctors surgery.
- 5.1.20 In addition to the consideration of facilities and services, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Upon leaving the site you enter into the village of Wickham Bishops where there are footways along some of the sides of roads that allow for walking access into the village centre and for accessing all the facilities and services stated above. For cycling the roads within the village are within 30mph speed restriction zones but if you leave the village and head south along Grange Road the country lane enters an unrestricted speed limit area. For bus services the village is mainly served by the no.90 bus which links Witham to Maldon and this can be accessed from bus stops along the Witham Road which is a 10 minute walk from the site.
- 5.1.21 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.22 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District and provide for opportunities for social integration for new residents and the wider community.
- 5.1.23 It is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses. This would however be very limited given the scale of the proposal. Equally, there is no guarantee that construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal at best.

Previous application

- 5.1.24 A previous application on the site (reference 24/00604/OUT) was refused in October 2024 and included, in reason for refusal one, that "*The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside*" and concluded the proposal would conflict with the Council's spatial strategy. This decision was taken at a time when the Council had a 5YHLS and the tilted balance was not engaged.

Summary of Principle of Development

- 5.1.25 Based upon the Council's 5 years housing land supply position the tilted balance in favour of sustainable development applies and therefore the development of sites such as this outside of settlement boundaries needs to be considered as to whether the development is sustainable development to meet the definition of the NPPF and

LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location on the borders of a village which provides for a range of facilities, services and various transport modes for accessibility. This position, along with the Council's intentions for growth options and the recent appeal decisions in Wickham Bishops, further assist in supporting the principle of development at this site. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon Design Guide (MDDG) (2017).
- 5.2.4 The Wickham Bishops Neighbourhood Plan (WBNP) (2022) policy WBH 01 Design and Character supports development where it adheres to design principles laid out by the Wickham Bishops Village Design Statement and the MDDG. This policy requires development proposals to respect local character, setting, local distinctiveness amongst other things.
- 5.2.5 The previous application included the following reason of refusal
 - 1. The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside. The proposed development would result in the urbanisation of the site through the introduction of built form, hardstanding and associated domestic paraphernalia which would erode the character and appearance of the site and surroundings. Furthermore, insufficient information has been provided to assess the impacts on trees within and adjacent to the site, therefore the wider impact on character of the area also cannot be assessed. Accordingly, the proposal would conflict with the development plan's spatial framework contrary to Policies S1, S2 and S8 of the Approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.2.6 The first sentence in the reason of refusal has been addressed in section 5.1 of this report which assessed the principle of the development. The second sentence of the reason concerns the impact upon the character and appearance of this location but is

linked with the previous principle of development being unacceptable. As set out above, the Council's position has changed with regard to not having a 5YHLS and as stated in section 5.1 above the tilted balance is applied in favour of sustainable development. Therefore, the consideration of the urbanisation of the site and the character and appearance of the site and surroundings would need to be balanced against the housing needs of the District in the overall planning balance of this application.

- 5.2.7 The proposal is for five bungalows as opposed to the six previously proposed.
- 5.2.8 The site currently positively contributes to the character and appearance of the locality. It comprises a well-maintained residential garden with mature trees within the garden and along the frontage adjacent to Grange Road. The trees form a distinctive and attractive feature in this location. The character of the area changes markedly at the northern edge of the application site. To the north and east is built up, with residential properties fronting Roots Lane and Grange Road as it extends to the east. These dwellings are within the settlement boundary of the village. The application site and land to the west, south and southeast comprises a mix of agricultural land and sporadic residential dwellings. Although the trees line the road frontage, there are clear gaps within the trees and vegetation whereby the proposed bungalows would be clearly visible from the road.
- 5.2.9 The proposed block plan shows the proposed layout of the development seeks to retain the character and appearance of the streetscene along Grange Road by retaining all of the existing vegetation comprising of hedges and trees that form a distinctive part of the character of this location, along with retaining existing trees where possible on the wider Crispins plot, as explained in the Arboricultural Impact Assessment. No rear boundary treatments are proposed but reference is made to 1.8m boundaries between each plot and such details shall need to be agreed through the reserved matters and or planning condition. The layout plot shows footprints of the bungalows and detached garage buildings to each, again the actual details shall need to be agreed through the reserved matters.
- 5.2.10 Similarly to the previous refused application it is considered that the addition of five bungalows on the site would significantly alter the verdant character of the area through the introduction of built form, associated hard standing, fences and other domestic paraphernalia. This needs to be considered in the overall planning balance of the application.
- 5.2.11 With regard to trees, the NPPF states in paragraph 136 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change'. It further states that planning decisions should take opportunities to incorporate trees in developments and those existing trees are retained wherever possible.
- 5.2.12 The third reason of refusal from the previous application was as follows:
3. Insufficient information has been submitted to assess the impact of the proposed development on the existing trees within and adjacent to the site. The proposal is therefore contrary to Policies D1 and N2 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework.
- 5.2.13 Information has been provided with this application including tree surveys, tree constraint plans and an Arboricultural Impact Assessment. The assessment of tree

quality is set out in British Standard 5837/2012 and categorises trees as A, B, C and U. For category A trees these are high quality trees with a life expectancy of at least 40 years, for category B trees these are trees of moderate quality with life expectancy of at least 20 years, for category C trees these are unremarkable trees of very limited merit or quality with life expectancy of at least 10 years and for category U trees these are trees that are not suitable for retention.

- 5.2.14 The Arboricultural Impact Assessment explains that 15 trees and 6 groups of trees would be retained, 3 trees and a group of 3 category B trees would be removed, and 6 trees and 6 groups (35 trees) and 1 hedgerow would be removed to make way for the development. The Tree Protection Plan shows that trees within the site and along the roadside boundary with Grange Road would be retained along with the retention of as much of the existing trees and vegetation around the boundary and outside of the site. This has been subject to consultation with Place Services Tree Advisors who have no objection subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site. The landscaping requirement of the reserved matters can ensure a suitable landscaping scheme and replacement trees to help enhance the appearance of the site following completion of the development.
- 5.2.15 Overall, there would be some harm through the introduction of development and the urbanisation of this site having regard to policies D1 and H4 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework. However, this harm will need to be assessed in the planning balance of this assessment.

5.3 Living Conditions and Amenity Space

- 5.3.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private amenity spaces. In addition, the adopted MDDG (2017) at C07 advises a minimum garden size for each type of dwellinghouse, namely, 25m² for flats, 50m² of private amenity space for dwellings with 1-2 bedrooms, and 100m² for dwellings with three+ bedrooms.
- 5.3.2 There is concern regarding the impact of the trees surrounding the site on the living conditions of occupants. Many of the trees along the site frontage are mature and are of significant height with large crown spread. It is likely, given the shape of the site and the amount of development proposed that trees would be very close to the proposed bungalows and gardens. The trees could result in an overbearing sense of enclosure to some extent. This could result in future pressure to remove further trees or significantly reduce the height and extent of the trees. However, this would not result in any significant loss of amenity space to the occupier of each plot.
- 5.3.3 The proposed bungalows would all have three bedrooms, therefore amenity space of 100m² would be required for each dwelling. Having regard to the indicative block plan provided, it is apparent that the development can comply with this requirement, but the existing trees and indicative layout of the gardens could affect how the amenity space could be used.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the

Council's adopted parking standards (Maldon District Vehicle Parking Standards SPD).

- 5.4.2 Policy WBF 02 Wickham Bishops Neighborhood Plan requires development proposals should give priority to cycle and pedestrian movements and access to public transport. Policy WBF 03 of the Wickham Bishops Neighborhood Plan requires Development proposals should take account of the capacity of the local highways network. Development proposals which would have an unacceptable impact on the efficiency of the local highways network in general, and on its safety in particular will not be supported.
- 5.4.3 The NPPF seeks to ensure that, 'safe and suitable access to the site can be achieved for all users'. It further states that, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.
- 5.4.4 Access is a matter for which approval is sought as part of this outline application. Access is proposed via a private drive which currently serves the existing dwelling, Crispins. The proposal includes the realignment and widening of the existing access to provide a shared access serving Crispins and the proposed five bungalows.
- 5.4.5 Essex County Council, as the Local Highway Authority, has advised that the necessary visibility splays can be achieved and raises no objection to the proposal subject to conditions requiring a Construction Management Plan, vehicular access details, cycle parking provision and the distribution of a Residential Travel Information Pack.
- 5.4.6 It would appear from the information within the application that the site is of a sufficient size to ensure the proposed development would meet the car parking requirements set out in the Maldon District Vehicle Parking Standards SPD.
- 5.4.7 Overall, no objection is raised in regard to highway safety.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 Flood Risk and Coastal Management of the LDP states that, '*to minimize the risk of flooding, all development must not increase flood risk on site and elsewhere, be located in areas where use is compatible*'. Policy WBen 06 of the Wickham Bishops Neighborhood Plan requires to take into account drainage, water disposal and to minimize flood risk.
- 5.5.2 The site is situated within Flood Zone 1 (low risk of flooding). The proposed development would not be a 'more vulnerable' development, as defined in Annex 3: Flood Vulnerability Classification of the Planning Practice Guidance.
- 5.5.3 In terms of drainage Environmental Health have not identified the need for a condition for surface water drainage. For foul drainage the application forms state the development would be connected to the mains sewer systems in the area.

5.6 Ecology and Biodiversity

- 5.6.1 Paragraph 187 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'.

- 5.6.2 LDP policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment. In addition, 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. Policy N1 and N2 are also relevant, which address biodiversity and protection of priority habitats and/or protected or priority species.
- 5.6.3 Policy WBEN 01 of the Wickham Bishops Neighborhood Plan requires all residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document. Policy WBEN 02 of the Wickham Bishops Neighborhood Plan requires all development to protect retain and enhance biodiversity and natural habitats.

On Site Ecology and Biodiversity

- 5.6.4 The previous application included the following reason of refusal:
2. The application includes insufficient ecological information to assess the impact of the proposed development on protected and Priority species. Insufficient information has been submitted in relation to mandatory biodiversity net gain. The proposal is contrary to Policies S1, D1, N1 and N2 of the approved Maldon District Local Development Plan, Policy WBEN 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.6.5 The application includes a Preliminary Ecological Appraisal which recognised that the site has the potential support species of importance or legally protected species and from the on site survey work from April 2025 a number of habitats and habit suitably for various species was found. Given the potential impact the Preliminary Ecological Appraisal recommends various mitigation and enhancements including bat, bird and terrestrial invertebrate boxes. Place Services Ecology have no objections to subject to conditions requiring implementation of the identified mitigation within the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design.

Biodiversity Net Gain

- 5.6.6 As of 2 April 2024, all minor development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant's Biodiversity Net Gain report identifies that to achieve the mandatory 10% measurable biodiversity net gain 3.82 area habitat units, 0.05 hedgerow units and 0.45 watercourse units will be required post development. Therefore, as much as the existing habitat such as existing hedgerow and mature trees should be retained. Place Services Ecology recommend an informative for a Biodiversity Net Gain condition following the draft text provided by the Secretary of State.

Essex Coast RAMS

- 5.6.7 In terms of RAMS, the site falls within the evidenced recreational Zone of Influence (Zol) of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy

(RAMS), which is an adopted SPD. The LPA is therefore required to prepare a project level HRA Appropriate Assessment and secure a proportionate financial contribution towards the Essex Coast RAMS. The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast 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 HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 - the significance test

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 5no. dwellings

HRA Stage 2: Appropriate Assessment

Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 5no. dwellings

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

Summary of Appropriate Assessment

- 5.6.8 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.6.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £847.25 is required based on the current tariff applied for RAMS mitigation. The applicant has confirmed their agreement and paid the financial contribution.

Conclusion to this section

- 5.6.10 Subject to the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to policy N2 along with the guidance and paragraphs of the NPPF/PPG.

5.7 Impact on Neighbouring Amenity

- 5.7.1 The basis of policy D1(4) of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.7.2 It is considered there is sufficient distance between the site and the existing dwelling 'Crispins' and neighbouring dwellings to the north to ensure sufficient back-to-back distances can be complied with. This, together with the proposed dwellings being bungalows, would ensure neighbouring amenity is not harmed. Further details of the exact layout, scale and appearance of the bungalows would be provided at the reserved matters stage.

5.8 Other Matters

- 5.8.1 The fourth reason of refusal from the previous application was as follows:
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 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Approved Maldon District Local Development Plan (2017), WBen 01 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.8.2 The applicant has agreed to meet the requirements of the Essex Coastal RAMS and payment has been received.
- 5.8.3 No objection was raised by Place Services with regard to archaeology and no conditions are recommended.

5.9 Planning Balance and Sustainability

- 5.9.1 In assessing the overall planning balance there are benefits and harms from the proposed development that need to be weighed up in the decision making process.
- 5.9.2 The benefits of the proposal are:
- In absence of an update to date 5YHLS the tilted balance of the presumption favour sustainable development applies – given substantial weight
 - Wickham Bishops is one of the larger villages considered for strategic growth – given substantial weight
 - Sustainable location – given substantial weight
 - Ecology Enhancements – given moderate weight
- 5.9.3 The harms arising from the proposal are:
- Development outside of the settlement boundary of Wickham Bishops i.e. conflict with the spatial strategy – given limited weight.
 - The urbanisation of the site which would erode the character and appearance of the site and surroundings – given moderate weight
 - Some of loss of trees and hedges – given moderate weight

- 5.9.4 There are also a number considerations that are neither beneficial or harmful and are therefore given a neutral weighting, these being private amenity space provision, access, parking provision, drainage and financial contribution towards Essex Coast RAMS. All of these are either policy or guidance requirements.
- 5.9.5 Overall, based on the above assessment and weightings the benefits of the proposed development would outweigh the harms as identified for the application to be recommended for approval.

6. ANY RELEVANT SITE HISTORY

6.1 Relevant planning history.

- **24/00604/OUT** - Outline planning application with access for proposed 6no 3 bedroom bungalows with access road including turning head off existing drive Refused for four reasons of refusal as identified in the Assessment section above.
- **00/00119/OUT** - Proposed erection of a dwelling house. Refused and dismissed at appeal
- **97/00357/OUT** - Erection of one dwelling and garage. Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>Recommend refusal on the following grounds:</p> <p>The site is outside the settlement boundary, contrary to LDP Policy S8.</p> <p>Over-development of the site, contrary to LDP Policy D1.</p> <p>The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.</p> <p>The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.</p> <p>WBPC are gravely concerned that this could lead to further development to the west, despite the indication of a ransom strip.</p>	<p>Please see the Assessment sections 5.1, 5.2 and 5.6 of the report</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objections subject to conditions regarding a Construction Management Plan, driveway access construction requirements, cycle parking provision and provision of a Residential Travel Information Pack	Please see the Assessment section 5.4 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments to make	No response required
Place Services Archaeology	No objections	No response required
Place Services Ecology	No objection subject to conditions requiring mitigation measures undertaken in accordance with the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design. An informative for a Biodiversity Net Gain condition	Please see section 5.6 of the report.
Place Services Tree Advisor	Support subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site	Please see the Assessment section 5.2 of the report

7.4 Site Notice/Advertisement

- 7.4.1 The application was advertised by way of two site notices posted at eye level on telegraph poles and posts around and adjacent to the site on 21 July 2025. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 24 July 2025.

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **9 letters/emails/forms** were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
-------------------	------------------

Objection Comment	Officer Response
Impact upon the character, safety and environmental integrity of local setting	Please see the Assessment section 5.2 and 5.9 of the report
Additional traffic congestion due to narrowness of Grange Road and lead to safety risks for pedestrians, cyclist and horse riders	Essex County Council Highways have no objections to the application
The proposed development threatens to significantly alter the visual and environmental character of this unique area	Please see the Assessment section 5.2 and 5.9 of the report
Any construction on this scale risks irrevocably damaging the natural landscape and eroding the rural essence that makes Grange Road so special	Please see the Assessment section 5.2 and 5.9 of the report
This development would set a concerning precedent for further urbanisation in a part of the parish	Please see the Assessment section 5.2 and 5.9 of the report
The impact on views, heritage, and the tranquillity of the area cannot be overstated	There is no right to a view, no heritage assets nearby and residential use would not adversely affect the tranquillity of the area

8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The development hereby permitted shall be carried out in accordance with the following approved plans as stated on the decision notice.
REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.
5. The development shall be single storey only comprising of one floor of accommodation.

REASON: In the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

6. No development shall commence until details of finished site levels and finished external surface levels, and the finished floor level of the building[s] hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

7. The reserved matters for the approval of layout shall include details of the proposed materials to be used in the development

No development shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the adopted Maldon District Local Development Plan.

8. The reserved matters for the approval of layout shall include details of the proposed boundary treatment to the development.

No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

9. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that

originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

10. The trees and hedges identified for retention on the approved plan drawing number(s) 250241/TPP shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

11. No development shall commence until details of the foundations to be used for the development hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

12. 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 approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- a) the parking of vehicles of site operatives and visitors,
- b) loading and unloading of plant and materials,
- c) storage of plant and materials used in constructing the development,
- d) wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

13. Prior to first occupation of the development, the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be constructed at a minimum width of 5.5 metres for the first 6 metres from the back edge of the carriageway and shall be provided with an appropriate vehicular crossing of the highway verge.

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, in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

14. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the adopted Maldon District Local Development Plan.

15. The details submitted pursuant to condition 1 for layout shall include land reserved for the parking and / or garaging of private cars, motorcycles and bicycles.

Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the adopted Maldon District Local Development Plan.

16. No development shall commence until all mitigation measures and/or works have been carried out in accordance with the details contained in the as Preliminary Ecological Appraisal (Writtle Forest Consultancy, September 2025) already submitted with the planning application and agreed in principle with the local planning authority. 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) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

17. No development shall commence until a non-licensed Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

18. No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones."

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

19. No development shall commence until 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 (Writtle Forest Consultancy, September 2025), has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

20. Prior to occupation of the development, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

APPLICATION PLANS / DOCUMENTS:

Application plans:

- 06E - Proposed Site/Block Plan
- 250241/TCP - Tree Constraints Plan
- 250241/TPP/01 Rev 1 - Tree Protection Plan
- 05 - Proposed Plans & Elevations
- 250241/TPP - Tree Protection Plan
- 07 - Proposed Site Visibility Splays & Location Plan

Application supporting documents:

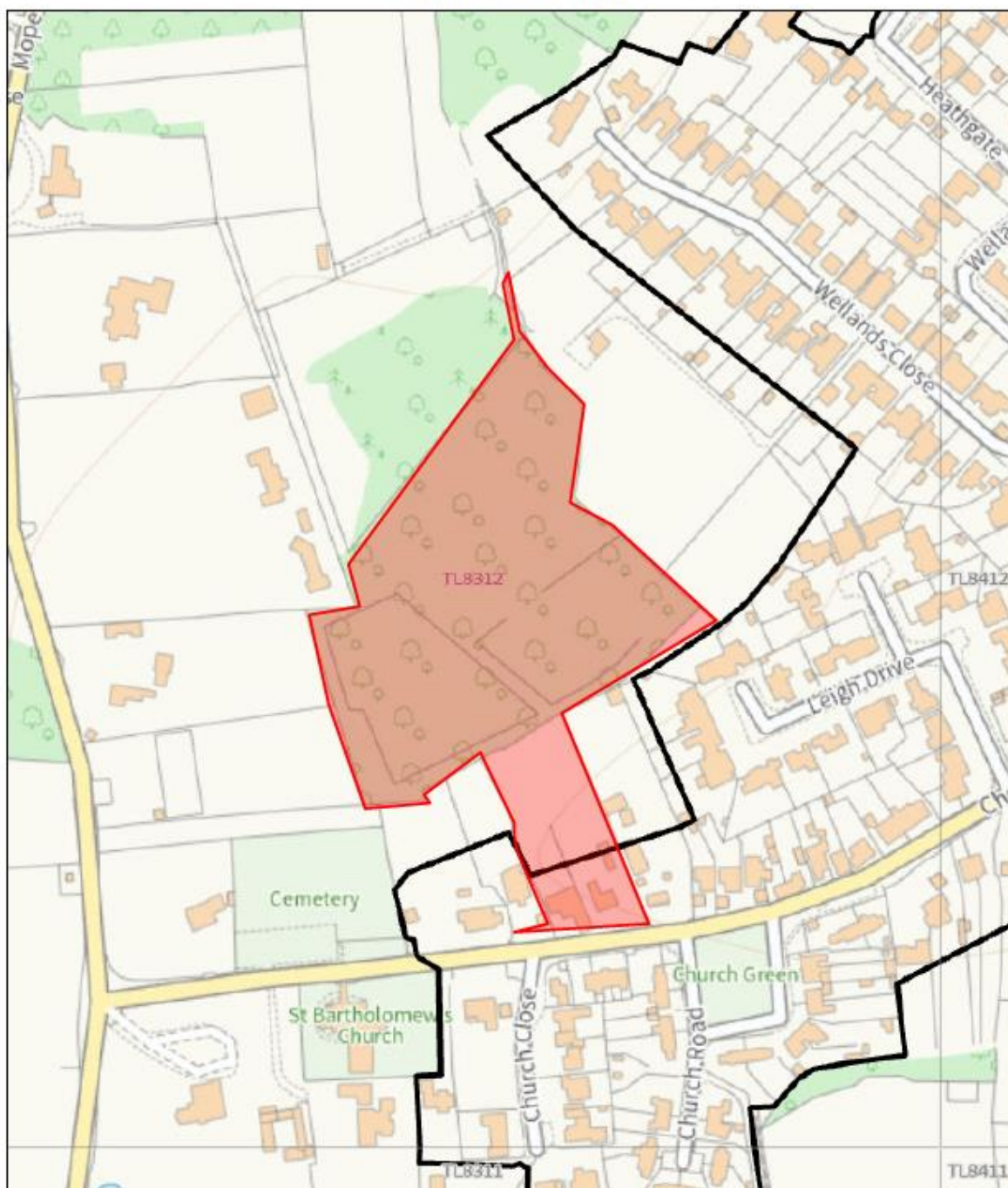
- Planning Statement
- Design and Access Statement
- Arboricultural Assessment (Method and Impact Assessment)
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Documentation

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Appendix A

23/00123/OUTM - Land rear of 9 Church Road an appeal was allowed and planning permission granted for the development of up to 50 dwellings. Location Plan below:

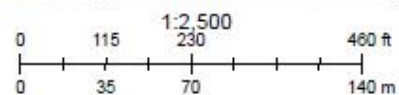
23/00123/OUTM



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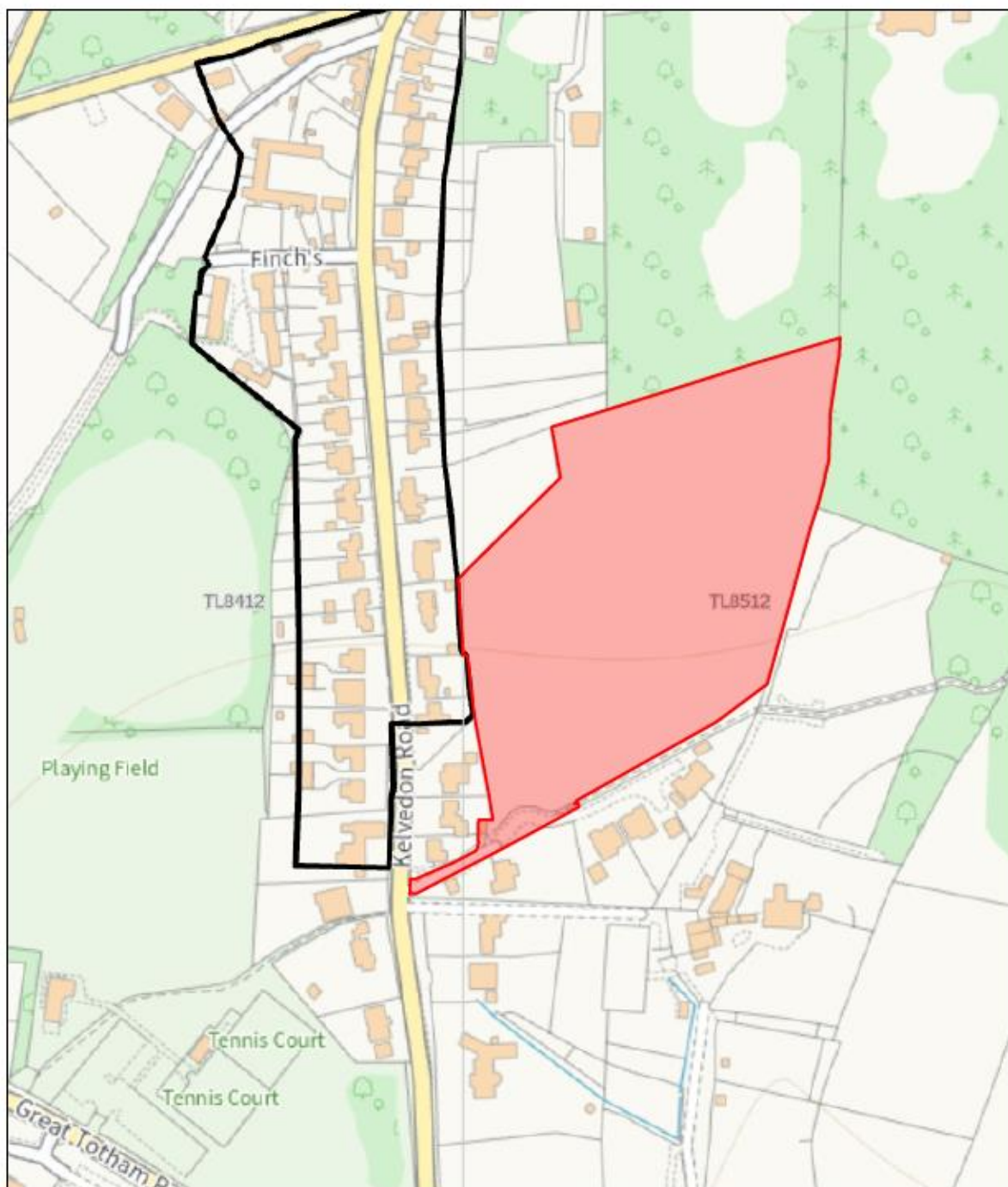
OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)



24/00005/OUTM - Land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings. Location Plan below

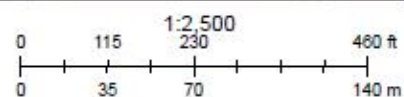
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OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)





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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
5 NOVEMBER 2025**

Application Number	25/00022/FUL
Location	Land at The Warren Lodge Park Herbage Park Herbage Park Road Woodham Walter
Proposal	Construction of one concrete hardstanding onto which a new lodge will be sited for a site manager or an employee or designated contract of the Warren Estate to use, with connections to services and one allocated car parking space.
Applicant	Mr John Moran - The Warren Estate
Agent	Mr Mark Durham - Frederick Lewis Ltd
Target Decision Date	10 November 2025 (Time Extended)
Case Officer	Chris Purvis
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	The agent is a Member (Cllr Durham) so this is being referred to committee under the Terms of Refence for Area Planning Committees section 1. Point 9

1. RECOMMENDATION


APPROVE subject to the agreed Unilateral Undertaking to secure the planning obligations and subject to conditions as detailed in Section 8.

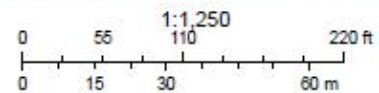
2. SITE MAP

Please see below.



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 Parish Polygon



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 Herbage Park comprises of 102 holiday homes together with an amenity building housing a swimming pool and gym. It is located to the west of Herbage Park Road and forms part of the wider Warren Estate which includes a golf course. The application site includes a new plot located to east of the swimming pool and gymnasium building and would be accessed via the existing internal road network.

Description of the Proposal

- 3.1.2 Planning permission is sought for the construction of one concrete hardstanding onto which a new plot where a lodge building would be sited for a site manager or an employee or designated contractor of the Warren Estate to use. The lodge building would be connected to services and would include one allocated car parking space.
- 3.1.3 The information submitted shows indicative elevations, including a colour elevation of how the manager's lodge would appear. The indicative floor plans show that a two bedroom lodge building would be provided with a kitchen/lounge/dining room. The lodge building would include a decking area from the kitchen/lounge/dining room. The lodge building would measure 12.1m long with a 3m deep decking area, would be 6m wide and 4.4m high to the ridge level. 1 parking space would be provided for the lodge building.
- 3.1.4 The applicant's justification for the manager's lodge is that:
- *It is necessary to have a member of staff on site for security purposes.*
 - *Out of hours alarm activations require attention to avoid nuisance to nearby residents.*
 - *There have been a number of nighttime medical emergencies for lodge owners where the ambulance has struggled to locate the correct lodge.*
 - *The manager lodge occupant will be first aid & CPR trained with access to first aid supplies and a defibrillator.*
 - *Employee will be designated fire Marshall and will be the emergency call point for all let accommodation*
 - *The single point of contact will also receive deliveries for lodges and direct visitors to the correct locations.*
 - *The lodge occupant will be responsible for ensuring that lodge owners comply with site rules and do not cause disturbance or anti-social behaviour.*
 - *The lodge occupant will ensure that all lodges are vacated during the required closure period of two weeks per year.*

3.2 Conclusion

- 3.2.1 The proposal would provide lodge accommodation for a manager to reside in on site and therefore allow for a presence on site 24 hours a day to aid the tourist and safety requirements of the site. The lodge building would appear similar to others on site and would not adversely impact upon the character and appearance of the site. There are no objections with regard to impact upon amenities of occupiers of nearby lodges, highway and parking requirements. The Essex RAMS has been secured via

an agreed Unilateral Undertaking thereby mitigating any harm on the coastal European designated sites. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 96-108 Promoting healthy and safe communities
- 109-118 Promoting sustainable transport
- 124-127 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
- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- 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
- E5 Tourism
- E6 Skills, Training and Education
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)

- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD
- Woodham Walter Village Design Statement 2017

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (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 or LDP.
- 5.1.2 The site is located outside of a defined settlement boundary and thus lies within a countryside location. Policy S8 of the LDP states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 sets out the development types that may be permitted where there is no adverse impact to the countryside. One set exception, set out at Policy S8 f) is '*rural diversification, recreation and tourism... (in accordance with Policies E4 and E5)*'.
- 5.1.3 Policy E5 entitled tourism sets out a positive policy provision for tourism within the District and states that '*The Council will support developments which contribute to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment*'. The policy goes on to set out that tourism will be supported where there is a need identified; where there are good connections with other tourist destinations and to local services; where there would be no detrimental impacts to the character and appearance of the area; and that adverse impacts to the natural and historic environment can be avoided.
- 5.1.4 Whilst this application is not to provide a lodge for tourism accommodation per se its use would provide a lodge for a manager/employee to reside in on site and therefore allow for an on site presence 24 hours a day. The applicant has provided a list of bullet points identifying the need for the lodge building which is listed in section 3.1.4 of this report and is justified in this instance to demonstrate the case for the need for this lodge.
- 5.1.5 In terms of the other criteria of Policy E5, the site has previously been assessed as having good connections with other tourist destinations in the locality and good connections to green infrastructure and local services. In addition, and as discussed later in this report, there would be no detrimental impacts to the character and appearance of the area and no adverse impacts to the natural and historic environment.
- 5.1.6 The development would meet with the criteria of Policy E5 relating to tourism provision and thus would meet with the Policy f) S8 exception.
- 5.1.7 Accordingly, the provision of a lodge building on the existing lodge park site is acceptable in principle.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The principle of good inclusive design and layout and sustainable development has been reflected in the approved LDP, primarily with policy D1 which seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.2 The proposed concrete hardstanding would not have any impact upon the visual amenities of the site. The proposed lodge building would be a demountable type of structure that could be removed and replaced in the future. Its appearance would be in keeping with the surrounding other lodge buildings on this site. There are no public views, either from Herbage Park Road to the south or from the Public Right of Way (PRoW) to the north. There would be no harm to the wider amenity of the area and the intrinsic character and beauty of the countryside would be maintained in accordance with policy S8 of the LDP and the provisions of the NPPF.

5.3 Access, Parking and Highway Safety

- 5.3.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to 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.
- 5.3.2 Access to the location of the lodge building would be via the main entrance road into Herbage Park and then into the Herbage Park site area which consists of narrow roads around the site. The access arrangement is acceptable.
- 5.3.3 The Council's adopted Vehicle Parking Standards SPD (2018) (VPS) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.3.4 The VPS for caravan parks is the most applicable parking standards to use and that requires 1 space per pitch or residential member of staff. One parking space is shown which would be acceptable for this use. Additional site parking is located within a short distance of this location should the need arise for increased parking demand.
- 5.3.5 On the basis of the above, it is considered that the proposal is acceptable with respect to access, parking and on site highway safety, in compliance with policies D1 and T2 of the LDP.

5.4 Ecology and Biodiversity

- 5.4.1 In terms of ecology considerations, Place Services Ecology has no objection subject to conditions requiring a biodiversity enhancement strategy and wildlife sensitive lighting design scheme. An optional condition requiring a habitat management and monitoring plan is also recommended. However, Officers are of the view that these conditions are not necessary for this development given this is a well-established site and the conditions are not proportional to the proposal. The site has existing low-level lighting along the roads and paths throughout the site.

- 5.4.2 Around the Herbage Park site there are two identified Local Wildlife Sites, which are Ma8 and Ma90, but both of these are away from the location of this site. Due to the limited scale and nature of the proposal, there would be no harm to these Local Wildlife Sites. Woodham Walter Common is a SSSI but is around 0.6 miles to the east of the site and would be unaffected. Place Services Ecology make reference to the need for Natural England's formal comments on the conclusion of the Local Planning Authority (LPA) Appropriate Assessment for Essex Coast RAMS, however, this is not considered necessary for Natural England to be consulted due to the small scale of development. Furthermore it is the Council's role, as the competent authority, to undertake the Habitat Regulation Assessment (HRA) Screening for Appropriate Assessment test and this has been carried out and is stated below:

European Designated Sites

- 5.4.3 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.
- 5.4.4 The LPA is therefore required to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.4.5 To accord with Natural England's (NE) requirements and standard advice an Essex Coast 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 Zoi for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes, but the proposal is only for 1 lodge that can be used as a dwelling for all intents and purposes.

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

Is the proposal for 100 houses + (or equivalent)? No

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

Summary of Appropriate Assessment

- 5.4.6 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.4.7 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure). The application is supported by an agreed Unilateral Undertaking thereby securing the RAMS contribution and the mitigation of designated sites.

Biodiversity Net Gain

- 5.4.8 The Planning Practice Guidance (PPG) explains that Biodiversity Net Gain was introduced to Planning by the Environment Act 2021 and where it applies developers must demonstrate how a development will deliver at least 10% increase in biodiversity. Place Service's Ecology Advisor on Biodiversity Net Gain (BNG) advises that the biodiversity gain condition is required to apply to every planning permission for development of land in the England. Such requirements can be secured through a planning condition to meet the requirements of policy N2 of the LDP and the relevant paragraphs of the NPPF and PPG.
- 5.4.9 The applicant's Ecology Report supporting the application identify that 13 -19% Biodiversity Net Gain would be achieved and this exceeds the 10% target as stated above. The applicant's Ecology Report states that no off-site habitat units will be required.

In conclusion to this section

- 5.4.10 The development would comply with policies S1, D1, N1 and N2 of the LDP which seek to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of green infrastructure network. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

5.5 Impact on Neighbouring Amenity

- 5.5.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.5.2 Given the siting of the lodges on the site there would be no unacceptable impact to the amenity of occupiers within the lodges on site from overlooking, loss of light or similar.
- 5.5.3 In terms of neighbouring amenity, there are no nearby neighbours other than lodges on the site, the development would not appear prominent from any public viewpoints such that there would be no harm to any neighbouring residential amenity.

- 5.5.4 Overall, the development would comply with policies D1 and H4 of the LDP and section C07 of the MDDG, which seek to ensure that development will protect the amenities of neighbouring properties.

5.6 Other Matters

- 5.6.1 The application site is located within Flood Zone 1 on the EA's Flood Map and therefore has a low probability of flooding. Due to the scale of the development, there would be no implications for flood and drainage considerations, and thus this would not be a constraint to development.
- 5.6.2 The site falls within the designation of the Woodham Walter Village Design Statements SPD which is mentioned within the Warren Pit Lodges description but there are no further requirements for this site within this SPD.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is listed below:

- **05/00798/FUL** - Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building. Granted.
- **11/00953/FUL** - Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park.
- **15/00590/FUL** – Variation of condition 3 on approved planning permission FUL/MAL/11/00953 (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park). Variation: holiday accommodation occupancy period, and; Variation of condition 2 on approved planning permission FUL/MAL/05/00798 (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building) Variation: holiday accommodation occupancy period. Granted.
- **16/01373/FUL** - 28 new holiday lodges with associated infrastructure and access. Granted.
- **24/00358/VAR** - Variation of condition 3 on approved application 05/00798/FUL (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building). Variation seeks to alter Condition 3 to allow the siting of a single storage shed for each lodge. Granted.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	No objections and comment that it was a good idea to have an	Condition included in the Recommendation section of this report to cover its

Name of Parish / Town Council	Comment	Officer Response
	onsite manager and request condition that the building can only be used by employees of estate with a residency restriction	use

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services - Ecology	No ecological objection subject to conditions and subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment for Essex Coast RAMS. Conditions to require a biodiversity enhancement strategy and wildlife sensitive lighting design scheme. Optional condition requiring a habitat management and monitoring plan. A biodiversity net gain condition should be added as an informative	See Assessment section 5.4

7.3 Internal Consultees (*summarised*)

7.3.1 None

7.4 Site Notice/Advertisement

7.4.1 The application was advertised by way of two site notices posted at eye level on telegraph poles and posts around and adjacent to the site on 5 September 2025. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 28 August 2025.

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 No comments have been received from third parties during the specified consultation period, nor subsequently during the application process.

8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, WLP-WL05 Rev C, WLP-WL01 Rev F and WLP-WL02.
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The lodge hereby permitted shall only be used by a manager or an employee or a designated contract worker of the Warren Estate and shall not be used as a person's sole or main place of residence.
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
4. The lodge hereby permitted shall be clearly signposted to ensure that it is recognised as the single point of out of hours contact.
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
5. The lodge hereby permitted shall not be used for human habitation between 15 January and 28 January (inclusive).
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
6. The lodge hereby permitted shall not be available for short or long term holiday purposes or offered for rent, lease or sale.
REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy and this lodge shall only be used for the purposes hereby permitted in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
7. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.
REASON To ensure the appropriate development and use of the site for recreational purposes in accordance with policy E5 of the Local Development Plan.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-

enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.

REASON To safeguard the appearance and character of the rural area in accordance with policy D1 of the Local Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding or similar hard surface in addition to that permitted shall be laid at the site without the prior approval in writing by the Local Planning Authority.

REASON To safeguard the appearance and character of the rural area in accordance with policies D1 and S8 of the Local Development Plan.

APPLICATION PLANS / DOCUMENTS:

Application plans:

- Location Plan
- WLP-WL05 Rev C – Block Plan
- WLP-WL01 Rev F – Site Location Plan
- WLP-WL02 – Site Plan
- WLP-WL03 Rev A – Indicative Plans and Elevations

Application supporting documents:

- Planning Statement
- Biodiversity Net Gain ('BNG') Assessment and Statutory Biodiversity Metric

Appendix D – Timetable of train services

Train timetable

Valid from 14 December 2025

Southend, Southminster and
Shenfield to London Liverpool Street

X @greateranglia

greateranglia.co.uk

Notes and Symbols

Bold Times in bold are direct services operated by Greater Anglia
Italic Times in italics are connecting train services with one change of train. Other connections may be available with further changes

0640 For the comfort and safety of all passengers, only folded cycles can be accommodated during busy times. Trains that these conditions apply to are highlighted throughout this timetable. To find out about when you can take a full-sized bike on the train visit greateranglia.co.uk/travel-information/your-journey/cycling

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 First Class accommodation available
 Seat reservations possible

 Interchange with London Underground
 Interchange with Docklands Light Railway
 Interchange for airport
 PlusBus add-on tickets available from this station

a Arrival time
d Departure time
s Stops to set down only
u Stops to pick up only

A Also calls at Seven Kings 0536

FO Fridays only
FX Mondays to Thursdays only
MO Mondays only
SO Saturdays only
TO Tuesdays only
TS Tuesday to Saturday mornings only
WO Wednesdays only
WX Mondays, Tuesdays, Thursdays and Fridays only

MFX Tuesdays, Wednesdays and Thursdays only
TWX Mondays, Thursdays and Fridays only
WFO Wednesdays and Fridays only

TThO Tuesdays and Thursdays only
WThFO Wednesday, Thursday and Friday mornings only

All services are operated by Greater Anglia unless otherwise shown

Whilst every care has been taken in the production of this timetable, Greater Anglia can not be held liable for any errors or omissions contained within.

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For all enquiries about Greater Anglia including season tickets, information and bank holiday services contact the Greater Anglia Customer Contact Centre:

email: contactcentre@greateranglia.co.uk

0345 600 7245 (calls may be recorded)

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For general accessibility enquiries or for assistance requests call Greater Anglia disabled persons helpline on:

0800 028 2878

Or email: assistedtravel@greateranglia.co.uk

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For items left on trains arriving at London Liverpool Street, visit LostProperty.org

Website – greateranglia.co.uk

Visit the website for online ticket bookings, real time train running information, station departure screens, service alterations, bespoke downloadable timetables and much more.

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Sign up to Journeycheck Alerts:

greateranglia.co.uk/alertme

Spot anyone deliberately avoiding payment of their fare?

If you believe a fellow customer is deliberately avoiding payment of their fare, you can text the details to: **60006** starting your text with the word **dodger**. All information will be treated in the strictest confidence.

National Rail Enquiries

Website: nationalrail.co.uk

Contact Centre:

03457 48 49 50 (All calls are charged at the local rate and may be recorded)

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Southend and Southminster to London Liverpool Street

Mondays to Fridays[illegible][illegible]

◇				◇				◇				◇				◇				◇				
Southend Victoria ⇄ d				0951	1011	1031	1051	1111	1131					1151	1211		1231							
Prittlewell d				0953	1013	1033	1053	1113	1133					1153	1213		1233							
Southend Airport ⇄ d				0956	1016	1036	1056	1116	1136					1156	1216		1236							
Rochford d				0958	1018	1038	1058	1118	1138					1158	1218		1238							
Hockley d				1002	1022	1042	1102	1122	1142					1202	1222		1242							
Rayleigh ⇄ d				1006	1026	1046	1106	1126	1146					1206	1226		1246							
Southminster d				0933		1013		1053				1133				1213								
Burnham-on-Crouch d				0937		1017		1057				1137				1217								
Althorne d				0942		1022		1102				1142				1222								
North Fambridge d				0949		1029		1109				1149				1229								
S Woodham Ferrers d				0954		1034		1114				1154				1234								
Battlesbridge d				0958		1038		1118				1158				1238								
Wickford ⇄ d				1005	1011	1031	1045	1051	1111	1125	1131	1151	1205	1211	1231	1245	1251							
Billericay ⇄ d					1017	1037		1057		1117	1137	1157		1217	1237		1257							
Shenfield ⇄ a					1024	1044		1104		1126	1144	1204		1224	1244		1304							
Shenfield ⇄ d				1008	1021	1026	1038	1046	1051	1105	1108	1121	1126	1138	1146	1151	1205	1208	1221	1226	1238	1246	1251	1305
Romford d						1033		1053				1134		1153					1233		1253			
Stratford DLR ⇄ a				1023	1036	1043	1053	1103	1106	1120	1123	1136	1143	1153	1203	1206	1220	1223	1236	1243	1253	1304	1307	1320
London Liverpool St ⇄ a				1033	1044	1054	1101	1111	1114	1128	1131	1144	1152	1201	1211	1214	1228	1231	1244	1253	1301	1312	1315	1328

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Southend Victoria		⇄	d	1251		1311		1331		1351		1411		1431		1451		1511		1531									
Prittlewell			d	1253		1313		1333		1353		1413		1433		1453		1513		1533									
Southend Airport		↔	d	1256		1316		1336		1356		1416		1436		1456		1516		1536									
Rochford			d	1258		1318		1338		1358		1418		1438		1458		1518		1538									
Hockley			d	1302		1322		1342		1402		1422		1442		1502		1522		1542									
Rayleigh		⇄	d	1306		1326		1346		1406		1426		1446		1506		1526		1546									
Southminster			d			1253				1333				1413				1453											
Burnham-on-Crouch			d			1257				1337				1417				1457											
Althorne			d			1302				1342				1422				1502											
North Fambridge			d			1309				1349				1429				1509											
S Woodham Ferrers			d			1314				1354				1434				1514											
Battlesbridge			d			1318				1358				1438				1518											
Wickford		⇄	d	1311		1325		1331		1351		1405		1431		1451		1511		1525		1531		1551					
Billericay		⇄	d	1317				1337		1357				1417		1437		1457				1537		1557					
Shenfield			a	1324				1344		1404				1424		1444		1504				1544		1604					
Shenfield		⇄	d	1308	1321	1326	1338		1346	1351	1405	1408	1421		1426	1438	1446	1452		1505	1508	1521	1526	1538	1546	1551	1605	1608	
Romford			d			1333			1353					1434		1453						1536		1553			1615		
Stratford		DLR	⊖	a	1323	1336	1343	1353		1403	1406	1420	1423	1436		1443	1453	1503	1507		1520	1523	1536	1543	1553	1603	1606	1620	1625
London Liverpool St		⊖	a		1331	1344	1351	1401		1411	1415	1428	1431	1444		1452	1501	1511	1515		1528	1531	1544	1551	1601	1612	1614	1628	1633

0640 Cycle restrictions apply. See notes for details

Mondays to Fridays[illegible]

																			FO	FX
Southeast Victoria	d				2159			2229				2301								
Pittlewell	d				2201			2231				2303								
Southeast Airport	d				2204			2234				2306						2359	2359	
Rochford	d				2206			2236				2308								
Hockley	d				2210			2240				2312								
Rayleigh	d				2214			2244				2316								
Southminster	d				2133			2213					2253							
Burnham-on-Crouch	d				2137			2217					2257							
Althorne	d				2142			2222					2302							
North Fambridge	d				2149			2229					2309							
S Woodham Ferrers	d				2154			2234					2314							
Battlesbridge	d				2158			2238					2318							
Wickford	d				2205	2219		2245	2249				2321	2325						
Billericay	d				2225			2255					2327	2331						
Shenfield	a				2232			2302					2334	2338			0023s	0023s		
Shenfield	d		2221	2232		2234	2251		2303	2308	2321	2333	2335	2339						
Romford	d					2241			2310					2346						
Stratford	DLR	e	a	2236	2247s		2251	2306		2320	2323	2336	2348s	2351	2356		0043s	0045s		
London Liverpool St	e	a		2244	2255		2259	2314		2328	2331	2344	2357	0001	0005	0005	0055	0055		

Southend and Southminster to London Liverpool Street

Saturdays

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Southend Victoria	d	0401	0431	0501	0531	0601	0631	0651	0711	0731	0751	0811												
Prittlewell	d	0403	0433	0503	0533	0603	0633	0653	0713	0733	0753	0813												
Southend Airport	d	0406	0436	0506	0536	0606	0636	0656	0716	0736	0756	0816												
Rochford	d	0408	0438	0508	0538	0608	0638	0658	0718	0738	0758	0818												
Hockley	d	0412	0442	0512	0542	0612	0642	0702	0722	0742	0802	0822												
Rayleigh	d	0416	0446	0516	0546	0616	0646	0706	0726	0746	0806	0826												
Southminster	d						0615			0715		0815												
Burnham-on-Crouch	d						0619			0719		0819												
Althorne	d						0624			0724		0822												
North Fambridge	d						0631			0731		0829												
S Woodham Ferrers	d						0636			0736		0834												
Battlesbridge	d						0640			0740		0838												
Wickford	d	0421	0451	0521	0551	0621	0647	0651	0711	0731	0747	0751	0811	0831	0845									
Billericay	d	0427	0457	0527	0557	0627		0657	0717	0737		0757	0817	0837										
Shenfield	a	0438	0508	0534	0604	0634		0704	0724	0744		0804	0824	0844										
Shenfield	d	0439	0511	0524	0535	0554	0605	0621	0635	0644	0705	0708	0721	0726	0738	0746	0751	0805	0808	0821	0826	0838	0846	0851
Romford	d			0531	0542	0601			0642	0651			0733		0753						0833		0853	
Stratford	DLR a	0456	0526	0543	0552	0611	0620	0636	0652	0701	0720	0723	0736	0743	0753	0803	0806	0820	0823	0836	0843	0853	0903	0906
London Liverpool St	a	0504	0534	0551	0600	0619	0628	0644	0700	0709	0728	0731	0744	0751	0801	0811	0814	0828	0831	0844	0851	0901	0911	0914

Southend Victoria				d	0831		0851		0911		0931		0951		1011		1031		1051		1111		1131			
Prittlewell				d	0833		0853		0913		0933		0953		1013		1033		1053		1113		1133			
Southend Airport				⇌ d	0836		0856		0916		0936		0956		1016		1036		1056		1116		1136			
Rochford				d	0838		0858		0918		0938		0958		1018		1038		1058		1118		1138			
Hockley				d	0842		0902		0922		0942		1002		1022		1042		1102		1122		1142			
Rayleigh				⇌ d	0846		0906		0926		0946		1006		1026		1046		1106		1126		1146			
Southminster				d				0853				0933				1013				1053						
Burnham-on-Crouch				d				0857				0937				1017				1057						
Althorne				d				0902				0942				1022				1102						
North Fambridge				d				0909				0949				1029				1109						
S Woodham Ferrers				d				0914				0954				1034				1114						
Battlesbridge				d				0918				0958				1038				1118						
Wickford				⇌ d	0851		0911		0925	0931	0951	1005	1011		1031		1045	1051		1111		1125	1131	1151		
Billericay				⇌ d	0857		0917		0937	0957	1017		1037		1057		1117		1137		1157					
Shenfield				⇌ a	0904		0924		0944	1004	1024		1044		1104		1124		1144		1204					
Shenfield				⇌ d	0905	0908	0921	0926	0938	0946	0951	1005	1008	1025	1028	1038	1046	1051	1105	1108	1121	1128	1138	1146	1151	1205
Romford				d				0933		0953			1032		1053				1135		1153					
Stratford				DLR ⇌ a	0920	0923	0936	0943	0953	1003	1006	1020	1027	1042	1048	1053	1103	1106	1120	1123	1136	1146	1153	1203	1206	1220
London Liverpool St				⇌ a	0928	0931	0944	0951	1001	1011	1014	1028	1035	1050	1056	1101	1111	1114	1128	1131	1144	1154	1201	1211	1214	1228

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Southend Victoria	⇌ d		1451		1511		1531		1551		1611		1631		1651		1711		1731				
Prittlewell	d		1453		1513		1533		1553		1613		1633		1653		1713		1733				
Southend Airport	⇌ d		1456		1516		1536		1556		1616		1636		1656		1716		1736				
Rochford	d		1458		1518		1538		1558		1618		1638		1658		1718		1738				
Hockley	d		1502		1522		1542		1602		1622		1642		1702		1722		1742				
Rayleigh	⇌ d		1506		1526		1546		1606		1626		1646		1706		1726		1746				
Southminster	d			1453				1533				1613				1653							
Burnham-on-Crouch	d			1457				1537				1617				1657							
Althorne	d			1502				1542				1622				1702							
North Fambridge	d			1509				1549				1629				1709							
S Woodham Ferrers	d			1514				1554				1634				1714							
Battlesbridge	d			1518				1558				1638				1718							
Wickford	⇌ d		1511	1525	1531	1551	1605	1611	1631	1645	1651	1711	1725	1731	1751								
Billericay	⇌ d		1517	1537	1557	1617	1637	1657	1717	1737	1757												
Shenfield	⇌ a		1524	1544	1604	1624	1644	1704	1724	1744	1804												
Shenfield	⇌ d	1508	1521	1526	1538	1546	1551	1605	1608	1621	1626	1638	1646	1651	1705	1708	1721	1726	1738	1746	1751	1805	1808
Romford	d			1533		1553		1613		1633		1653			1733			1753					
Stratford	DLR ⇌ a	1523	1536	1543	1553	1603	1606	1620	1623	1636	1643	1653	1703	1706	1720	1723	1736	1743	1753	1803	1806	1820	1823
London Liverpool St	⇌ a	1531	1544	1551	1601	1611	1614	1628	1631	1644	1651	1701	1711	1714	1728	1731	1744	1751	1801	1811	1814	1828	1831

Southend and Southminster to London Liverpool Street

Saturdays

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Southend Victoria		⇌	d		1751	1811		1831		1851		1911		1931		1951		2011		2031					
Prittlewell			d		1753	1813		1833		1853		1913		1933		1953		2013		2033					
Southend Airport		↔	d		1756	1816		1836		1856		1916		1936		1956		2016		2036					
Rochford			d		1758	1818		1838		1858		1918		1938		1958		2018		2038					
Hockley			d		1802	1822		1842		1902		1922		1942		2002		2022		2042					
Rayleigh		⇌	d		1806	1826		1846		1906		1926		1946		2006		2026		2046					
Southminster			d	1733				1813			1853				1933			2013							
Burnham-on-Crouch			d	1737				1817			1857				1937			2017							
Althorne			d	1742				1822			1902				1942			2022							
North Fambridge			d	1749				1829			1909				1949			2029							
S Woodham Ferrers			d	1754				1834			1914				1954			2034							
Battlesbridge			d	1758				1838			1918				1958			2038							
Wickford		⇌	d	1805	1811	1831	1845	1851		1911	1925	1931		1951		2005	2011	2031		2045	2051				
Billericay		⇌	d		1817	1837		1857		1917		1937		1957			2017	2037		2057					
Shenfield			a		1824	1844		1904		1924		1944		2004			2024	2044		2104					
Shenfield		⇌	d	1821	1826	1838	1846	1851	1905	1908	1921	1926	1938	1946	1951	2005	2008	2021	2026	2038	2046	2051	2105	2108	
Romford			d		1833		1853					1933		1953				2033		2053					
Stratford		DLR	⇌	a	1836	1843	1853	1903	1906	1920	1923	1936	1943	1953	2003	2006	2020	2023	2036	2043	2053	2103	2106	2120	2123
London Liverpool St		⇌	a	1844	1851	1901	1911	1914		1928	1931	1944	1951	2001	2011	2014	2028	2031	2044	2051	2101	2111	2114	2128	2131

Southend Victoria ⇌ d					2059			2129				2159		2229				2305			
Prittlewell	d				2101			2131				2201		2231				2307			
Southend Airport ⇌ d					2104			2134				2204		2234				2310	2359		
Rochford	d				2106			2136				2206		2236				2312			
Hockley	d				2110			2140				2210		2240				2316			
Rayleigh	⇌ d				2114			2144				2214		2244				2320			
Southminster d							2053			2133		2212				2252					
Burnham-on-Crouch	d						2057			2137		2216				2256					
Althorne	d						2102			2142		2221				2301					
North Fambridge	d						2109			2149		2227				2307					
S Woodham Ferrers	d						2114			2154		2232				2312					
Battlesbridge	d						2118			2158		2236				2316					
Wickford	⇌ d				2119		2125	2149		2205	2219	2243	2249			2322	2325				
Billericay	⇌ d				2125			2155			2225		2255				2331				
Shenfield	⇌ a				2132			2202			2232		2302			2334	2338	0019s			
Shenfield	⇌ d	2121	2133	2138	2151		2203	2208	2221	2232		2234	2251		2303	2308	2321	2332		2339	
Romford	d				2140			2210			2241				2310					2346	
Stratford	DLR ⇌ a	2136	2150	2153	2206		2220	2223	2236	2247s		2251	2306		2320	2323	2336	2347s		2356	0038s
London Liverpool St ⇌ a	2144	2158	2201	2214		2228	2231	2244	2255		2259	2315		2328	2331	2344	2355		0004	0053	

Southend and Southminster to London Liverpool Street

Sundays

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Mondays to Fridays

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London Liverpool St	↻	d		1418	1433	1436	1448	1450		1502	1513	1518	1533		1536	1548	1550	1602	1608	1614	1622			1635	1639	1654	1706	1709	1714										
Stratford	DLR	↻	d	1425	1440	1443	1455	1458		1509	1520	1525	1540		1543	1555	1558	1610	1617	1622	1632			1643	1647	1702	1714	1717	1722										
Romford			d					1507			1528					1607																							
Shenfield	↻	a		1441	1455	1458	1511	1516		1524	1539	1541	1555		1558	1611	1616	1625	1632	1637	1647			1658	1702	1717	1729	1732	1737										
Shenfield	↻	d			1456			1516			1539		1556			1616		1635		1648					1703	1718		1733	1738										
Billericay	↻	d			1502			1522			1545		1602			1622		1641		1654					1709	1724		1739	1744										
Wickford	↻	d	1455		1508			1528	1535		1551		1608	1615		1628		1648		1701	1705			1716	1731		1746	1752											
Battlesbridge		d	1459						1539					1619								1709							1756										
S Woodham Ferrers		d	1503						1543					1623								1713							1801										
North Fambridge		d	1510						1550					1630								1720							1807										
Althorne		d	1515						1555					1635								1725							1812										
Burnham-on-Crouch		d	1520						1600					1640								1730							1817										
Southminster		a	1526						1606					1646								1736							1824										
Rayleigh	↻	d			1513			1533			1556		1613			1633		1653		1706					1721	1736		1751											
Hockley		d						1537			1600		1617			1637		1657		1710					1725	1740		1755											
Rochford		d			1521			1541			1604		1621			1641		1701		1714					1729	1744		1759											
Southend Airport	↻	d			1523			1543			1606		1623			1643		1703		1716					1731	1746		1801											
Prittlewell		d			1526			1546			1612		1626			1646		1706		1719					1734	1749		1804											
Southend Victoria	↻	a			1530			1550			1616		1630			1650		1710		1724					1738	1753		1808											

For reference to notes, please see page 2

London Liverpool Street to Southminster and Southend

Mondays to Fridays

London Liverpool St	d	1720	1723	1732	1736	1745	1750	1752	1756	1802	1807	1820	1822	1832	1837	1848	1851	1902	1913	1918	1933	1936	1948	1950	2002
Stratford DLR	d	1729	1732	1741	1744	1753	1759	1801	1804	1811	1815	1829	1831	1841	1845	1856	1900	1909	1920	1925	1940	1943	1955	1958	2009
Romford	d																								
Shenfield	a	1744	1748	1756	1759	1808	1814	1817	1820	1826	1830	1844	1847	1857	1900	1911	1916	1924	1935	1941	1955	1958	2011	2015	2024
Shenfield	d		1748		1800	1809		1817	1821		1831		1847		1901		1916		1938		1956				2016
Billericay	d		1755		1806	1815		1824	1828		1837		1854		1907		1923		1944		2002				2022
Wickford	d		1802		1813	1822		1831	1835		1844		1901		1914	1918	1930		1951		2008	2015			2028
Battlesbridge	d								1839							1922						2019			
S Woodham Ferrers	d								1844							1926						2023			
North Fambridge	d								1850							1933						2030			
Althorne	d								1855							1938						2035			
Burnham-on-Crouch	d								1900							1943						2040			
Southminster	a								1907							1949						2046			
Rayleigh	d		1807		1818	1827		1836			1849		1906		1919		1935		1956		2013				2033
Hockley	d		1811		1822	1831		1840			1853		1910		1923		1939		2000		2017				2037
Rochford	d		1814		1826	1835		1843			1857		1913		1927		1942		2004		2021				2041
Southend Airport	d		1817		1828	1837		1846			1859		1916		1929		1945		2006		2023				2043
Prittlewell	d		1820		1831	1840		1849			1902		1919		1932		1948		2009		2026				2046
Southend Victoria	a		1824		1835	1844		1853			1906		1923		1936		1952		2013		2030				2050

London Liverpool St	d	2013	2018	2033	2036	2047	2050	2102	2113	2118	2133	2136	2148	2150	2202	2213	2218	2236	2245	2302	2315	2318	2345
Stratford DLR	d	2020	2025	2040	2043	2055	2058	2109	2120	2125	2140	2143	2155	2158	2209	2220	2225	2243	2252	2309	2322	2325	2352
Romford	d	2028					2107		2128							2228							
Shenfield	a	2039	2041	2055	2058	2111	2116	2124	2139	2141	2155	2158	2211	2216	2224	2239	2241	2258	2307	2326	2337	2340	0007
Shenfield	d			2056			2116		2139		2156			2216		2239			2308		2338		0010
Billericay	d		2045		2102		2122		2145		2202			2222		2245			2314		2344		0018
Wickford	d		2051	2055	2108		2128	2135	2151		2208	2215		2228		2251	2255		2320		2350		0024
Battlesbridge	d		2059				2139				2219						2259						
S Woodham Ferrers	d		2103				2143				2223						2303						
North Fambridge	d		2110				2150				2230						2310						
Althorne	d		2115				2155				2235						2315						
Burnham-on-Crouch	d		2120				2200				2240						2320						
Southminster	a		2126				2206				2246						2326						
Rayleigh	d	2056		2113			2133		2156		2213		2233		2256			2325		2355			0029
Hockley	d	2100		2117			2137		2200		2217		2237		2300			2329		2359			0033
Rochford	d	2104		2121			2141		2204		2221		2241		2304			2333		0003			0037
Southend Airport	d	2106		2123			2143		2206		2223		2243		2306			2335		0005			0039
Prittlewell	d	2109		2126			2146		2209		2226		2246		2309			2338		0008			0042
Southend Victoria	a	2113		2130			2150		2213		2230		2250		2313			2346		0016			0050

London Liverpool St	d	2345	2345	2345	2348	0015	0015	0015	0018	0046	0050	0050	0050
Stratford DLR	d	2352	2352	2352	2355	0022	0023	0023	0025	0053	0058	0057	0057
Romford	d				0033	0033	0033				0108	0108	0108
Shenfield	a	0007	0007	0007	0010	0045	0045	0045	0048	0115	0120	0120	0120
Shenfield	d	0008	0008	0008		0046	0046	0046			0121	0121	0121
Billericay	d	0014	0014	0014		0052	0052	0052			0127	0127	0127
Wickford	d	0020	0020	0019		0057	0057	0058			0132	0132	0133
Battlesbridge	d												
S Woodham Ferrers	d												
North Fambridge	d												
Althorne	d												
Burnham-on-Crouch	d												
Southminster	a												
Rayleigh	d	0025	0025	0025		0102	0102	0103			0137	0137	0138
Hockley	d	0029	0029	0029		0106	0106	0107			0141	0141	0142
Rochford	d	0033	0033	0033		0110	0110	0111			0145	0145	0146
Southend Airport	d	0035	0035	0035		0112	0112	0113			0147	0147	0148
Prittlewell	d	0038	0038	0038		0115	0115	0116			0150	0150	0151
Southend Victoria	a	0046	0049	0046		0123	0123	0123			0158	0158	0158

0640 Cycle restrictions apply. See notes for details

London Liverpool Street to Southminster and Southend

Saturdays

London Liverpool St	d	0430	0534	0537	0602	0605	0618	0633	0636	0648	0702	0705	0718	0733	0736	0748	0750	0802	0813	0818	0833	0836
Stratford DLR	d	0437u	0541	0544	0609	0612	0625	0640	0643	0655	0709	0712	0725	0740	0743	0755	0758	0809	0820	0825	0840	0843
Romford	d		0549			0620			0651		0720					0807		0828				
Shenfield	a		0558	0600	0624	0629	0640	0655	0700	0711	0724	0729	0741	0755	0758	0811	0816	0824	0839	0841	0855	0858
Shenfield	d			0601		0630		0656				0730		0756			0816		0839		0856	
Billericay	d			0607		0636		0702				0736		0802			0822		0845		0902	
Wickford	d		0537	0613	0617	0642		0708	0717			0742		0808	0815		0828		0851	0855	0908	
Battlesbridge	d		0541		0621				0721						0819					0859		
S Woodham Ferrers	d		0545		0625				0725						0823					0903		
North Fambridge	d		0552		0632				0732						0830					0910		
Althorne	d		0557		0637				0737						0835					0915		
Burnham-on-Crouch	d		0602		0642				0742						0840					0920		
Southminster	a		0608		0648				0748						0846					0926		
Rayleigh	d			0618		0647		0713				0747		0813			0833		0856		0913	
Hockley	d			0622		0651		0717				0751		0817			0837		0900		0917	
Rochford	d			0626		0655		0721				0755		0821			0841		0904		0921	
Southend Airport	d	0520		0628		0657		0723				0757		0823			0843		0906		0923	
Prittlewell	d			0631		0700		0726				0800		0826			0846		0909		0926	
Southend Victoria	a			0635		0704		0730				0804		0830			0850		0913		0930	

London Liverpool St	d	0848	0850	0902	0913	0918	0933	0936	0948	0950	1002	1013	1018	1033	1036	1048	1050	1102	1113	1118	1133	1136
Stratford DLR	d	0855	0858	0909	0920	0925	0940	0943	0955	0958	1009	1020	1025	1040	1043	1055	1058	1109	1120	1125	1140	1143
Romford	d		0907		0928				1007		1028					1107			1128			
Shenfield	a	0911	0916	0924	0939	0941	0955	0958	1011	1016	1024	1039	1041	1055	1058	1111	1116	1124	1139	1141	1155	1158
Shenfield	d		0916		0939		0956		1016	1039				1056		1116		1139		1156		
Billericay	d		0922		0945		1002		1022	1045				1102		1122		1145		1202		
Wickford	d		0928	0935	0951	1008	1015		1028	1051	1055		1108		1128	1135		1151		1208	1215	
Battlesbridge	d		0939				1019					1059				1139					1219	
S Woodham Ferrers	d		0943				1023					1103				1143					1223	
North Fambridge	d		0950				1030					1110				1150					1230	
Althorne	d		0955				1035					1115				1155					1235	
Burnham-on-Crouch	d		1000				1040					1120				1200					1240	
Southminster	a		1006				1046					1126				1206					1246	
Rayleigh	d		0933		0956		1013		1033	1056			1113			1133		1156		1213		
Hockley	d		0937		1000		1017		1037	1100			1117			1137		1200		1217		
Rochford	d		0941		1004		1021		1041	1104			1121			1141		1204		1221		
Southend Airport	d		0943		1006		1023		1043	1106			1123			1143		1206		1223		
Prittlewell	d		0946		1009		1026		1046	1109			1126			1146		1209		1226		
Southend Victoria	a		0950		1013		1030		1050	1113			1130			1150		1213		1230		

London Liverpool St	d	1148	1150	1202	1213	1218	1233	1236	1248	1250	1302	1313	1318	1333	1336	1348	1350	1402	1413	1418	1433	1436	1448	
Stratford DLR	d	1155	1158	1209	1220	1225	1240	1243	1255	1258	1309	1320	1325	1340	1343	1355	1358	1409	1420	1425	1440	1443	1455	
Romford	d		1207		1228				1307			1328				1407		1428						
Shenfield	a	1211	1216	1224	1239	1241	1255	1258	1311	1316	1324	1339	1341	1355	1358	1412	1416	1424	1439	1441	1455	1458	1511	
Shenfield	d		1216		1239		1256		1316		1339		1356			1416		1439			1456			
Billericay	d		1222		1245		1302		1322		1345		1402			1422		1445			1502			
Wickford	d		1228		1251	1255	1308		1328	1335	1351		1408	1415		1428		1451	1455		1508			
Battlesbridge	d				1259				1339					1419						1459				
S Woodham Ferrers	d				1303				1343					1423						1503				
North Fambridge	d				1310				1350					1430						1510				
Althorne	d				1315				1355					1435						1515				
Burnham-on-Crouch	d				1320				1400					1440						1520				
Southminster	a				1326				1406					1446						1526				
Rayleigh	d	1233		1256		1313		1333		1356		1413			1433		1456			1513				
Hockley	d	1237		1300		1317		1337		1400		1417			1437		1500			1517				
Rochford	d	1241		1304		1321		1341		1404		1421			1441		1504			1521				
Southend Airport	d	1243		1306		1323		1343		1406		1423			1443		1506			1523				
Prittlewell	d	1246		1309		1326		1346		1409		1426			1446		1509			1526				
Southend Victoria	a	1250		1313		1330		1350		1413		1430			1450		1513			1530				

London Liverpool St	d	1450	1502	1513	1518	1533	1536	1548	1550	1602	1613	1618	1633	1636	1648	1650	1702	1713	1718	1733	1736	1748
Stratford DLR	d	1458	1509	1520	1525	1540	1543	1555	1558	1609	1620	1625	1640	1643	1655	1658	1709	1720	1725	1740	1743	1755
Romford	d		1507		1528				1607		1628				1707			1728				
Shenfield	a	1516	1524	1539	1541	1555	1558	1611	1616	1624	1639	1641	1655	1658	1711	1716	1724	1739	1741	1755	1758	1811
Shenfield	d		1516		1539		1556		1616		1639		1656		1716		1739		1756			
Billericay	d		1522		1545		1602		1622		1645		1702		1722		1745		1802			
Wickford	d		1528	1535	1551	1608	1615		1628	1651	1655		1708		1728	1735		1751		1808	1815	
Battlesbridge	d			1539			1619				1659				1739						1819	
S Woodham Ferrers	d			1543			1623				1703				1743						1823	
North Fambridge	d			1550			1630				1710				1750						1830	
Althorne	d			1555			1635				1715				1755						1835	
Burnham-on-Crouch	d			1600			1640				1720				1800						1840	
Southminster	a			1606			1646				1726				1806						1846	
Rayleigh	d		1533		1556		1613		1633		1656		1713		1733		1756		1813			
Hockley	d		1537		1600		1617		1637		1700		1717		1737		1800		1817			
Rochford	d		1541		1604		1621		1641		1704		1721		1741		1804		1821			
Southend Airport	d		1543		1606		1623		1643		1706		1723		1743		1806		1823			
Prittlewell	d		1546		1609		1626		1646		1709		1726		1746		1809		1826			
Southend Victoria	a		1550		1613		1630		1650		1713		1730		1750		1813		1830			

London Liverpool Street to Southminster and Southend

Saturdays

London Liverpool St	d	1750	1802	1813	1818	1833	1836	1846	1850	1904	1913	1917	1933	1936	1948	1950	2002	2013	2018	2033	2036	2048	2050
Stratford DLR	d	1758	1809	1820	1825	1840	1843	1853	1857	1911	1920	1924	1940	1943	1955	1958	2009	2020	2025	2040	2043	2055	2058
Romford	d	1807	1828						1906		1928					2007	2028						2107
Shenfield	a	1816	1824	1839	1841	1855	1858	1908	1915	1926	1938	1940	1955	1958	2011	2016	2024	2039	2041	2055	2058	2111	2116
Shenfield	d	1816		1839		1856			1916		1939		1956			2016		2039		2056			2116
Billericay	d	1822		1845		1902			1922		1945		2002			2022		2045		2102			2122
Wickford	d	1828		1851	1855	1908			1928	1935	1951		2008	2015		2028		2051	2055	2108			2128
Battlesbridge	d				1859				1939					2019					2059				
S Woodham Ferrers	d				1903				1943					2023					2103				
North Fambridge	d				1910				1950					2030					2110				
Althorne	d				1915				1955					2035					2115				
Burnham-on-Crouch	d				1920				2000					2040					2120				
Southminster	a				1926				2006					2046					2126				
Rayleigh	d	1833		1856		1913			1933		1956		2013			2033		2056		2113			2133
Hockley	d	1837		1900		1917			1937		2000		2017			2037		2100		2117			2137
Rochford	d	1841		1904		1921			1941		2004		2021			2041		2104		2121			2141
Southend Airport	d	1843		1906		1923			1943		2006		2023			2043		2106		2123			2143
Prittlewell	d	1846		1909		1926			1946		2009		2026			2046		2109		2126			2146
Southend Victoria	a	1850		1913		1930			1950		2013		2030			2050		2113		2130			2150

London Liverpool St	d	2102	2113	2118	2133	2136	2150	2202	2213	2218	2236	2248	2302	2315	2318	2345	2348	0015	0018	0050
Stratford DLR	d	2109	2120	2125	2140	2143	2158	2209	2220	2225	2243	2255	2309	2322	2325	2352	2355	0022	0025	0057
Romford	d		2128				2207		2228									0033		0108
Shenfield	a	2124	2139	2141	2155	2158	2216	2224	2237	2241	2258	2310	2324	2337	2340	0007	0010	0046	0048	0120
Shenfield	d		2139		2156		2216		2237			2312	2338		0008		0047			0120
Billericay	d		2145		2202		2222		2243			2318	2344		0014		0053			0126
Wickford	d	2135	2152		2208	2213	2228		2250	2253		2325	2350		0020		0058			0131
Battlesbridge	d	2139				2217			2257											
S Woodham Ferrers	d	2143				2221			2301											
North Fambridge	d	2150				2228			2308											
Althorne	d	2155				2233			2313											
Burnham-on-Crouch	d	2200				2238			2318											
Southminster	a	2206				2244			2324											
Rayleigh	d		2157		2213		2233		2255		2330		2355		0025		0103			0136
Hockley	d		2201		2217		2237		2259		2334		2359		0029		0107			0140
Rochford	d		2204		2221		2241		2302		2337		0003		0033		0111			0144
Southend Airport	d		2207		2223		2243		2305		2340		0005		0035		0113			0146
Prittlewell	d		2210		2226		2246		2308		2343		0008		0038		0116			0149
Southend Victoria	a		2214		2230		2250		2312		2347		0016		0046		0124			0157

London Liverpool Street to Southminster and Southend

Sundays

London Liverpool St	DLR	0645	0715	0745	0800	0810	0830	0846	0908	0923	0938	0953	1008	1023	1038	1053	1108	1123	1138	1153	1208
Stratford	DLR	0652	0722	0752	0807	0817	0837	0853	0915	0930	0945	1000	1015	1030	1045	1100	1115	1130	1145	1200	1215
Romford	d	0703	0733	0803	0818	0834	0904	0938	1008	1038	1108	1138	1208								
Shenfield	a	0715	0745	0815	0831	0847	0902	0917	0930	0947	1000	1017	1030	1047	1100	1117	1130	1147	1200	1217	1230
Shenfield	d		0746	0816	0848	0918	0948	1018	1048	1118	1148	1218									
Billericay	d		0752	0822	0854	0924	0954	1024	1054	1124	1154	1224									
Wickford	d	0727	0758	0807	0828	0900	0905	0930	1000	1005	1030	1100	1105	1130	1200	1205	1230				
Battlesbridge	d		0731	0811	0909	0913	1013	1109	1113	1213											
S Woodham Ferrers	d		0735	0815	0913	0920	1020	1120	1220												
North Fambridge	d		0742	0822	0925	1025	1125	1225													
Althorne	d		0747	0827	0930	1030	1130	1230													
Burnham-on-Crouch	d		0752	0832	0936	1036	1136	1236													
Southminster	a		0758	0838	0905	0935	1005	1035	1105	1135	1205	1235									
Rayleigh	d		0803	0833	0909	0939	1009	1039	1109	1139	1209	1239									
Hockley	d		0807	0837	0913	0943	1013	1043	1113	1143	1213	1243									
Rochford	d		0811	0841	0915	0945	1015	1045	1115	1145	1215	1245									
Southend Airport	d		0813	0843	0918	0948	1018	1048	1118	1148	1218	1248									
Prittlewell	d		0816	0846	0922	0952	1022	1052	1122	1152	1222	1252									
Southend Victoria	a		0820	0850	0922	0952	1022	1052	1122	1152	1222	1252									

London Liverpool St	DLR	1223	1238	1253	1308	1323	1338	1353	1408	1423	1438	1453	1508	1523	1538	1553	1608	1623	1638	1653	1708	1723
Stratford	DLR	1230	1245	1300	1315	1330	1345	1400	1415	1430	1445	1500	1515	1530	1545	1600	1615	1630	1645	1700	1715	1730
Romford	d	1238	1308	1338	1408	1438	1508	1538	1608	1638	1708	1738										
Shenfield	a	1247	1300	1317	1330	1347	1400	1417	1430	1447	1500	1517	1530	1547	1600	1617	1630	1647	1700	1717	1730	1747
Shenfield	d	1248	1318	1348	1418	1448	1518	1548	1618	1648	1718	1748										
Billericay	d	1254	1324	1354	1424	1454	1524	1554	1624	1654	1724	1754										
Wickford	d	1300	1305	1330	1400	1405	1430	1500	1505	1530	1600	1605	1630	1700	1705	1730	1800					
Battlesbridge	d		1309	1409	1413	1513	1609	1613	1713													
S Woodham Ferrers	d		1313	1420	1425	1525	1625	1725														
North Fambridge	d		1320	1430	1436	1536	1636	1736														
Althorne	d		1325	1430	1436	1536	1636	1736														
Burnham-on-Crouch	d		1330	1436	1442	1542	1642	1742														
Southminster	a		1336	1442	1448	1548	1648	1748														
Rayleigh	d	1305	1335	1405	1435	1505	1535	1605	1635	1705	1735	1805										
Hockley	d	1309	1339	1409	1439	1509	1539	1609	1639	1709	1739	1809										
Rochford	d	1313	1343	1413	1443	1513	1543	1613	1643	1713	1743	1813										
Southend Airport	d	1315	1345	1415	1445	1515	1545	1615	1645	1715	1745	1815										
Prittlewell	d	1318	1348	1418	1448	1518	1548	1618	1648	1718	1748	1818										
Southend Victoria	a	1322	1352	1422	1452	1522	1552	1622	1652	1722	1752	1822										

London Liverpool St	DLR	1738	1753	1808	1823	1838	1853	1908	1923	1938	1953	2000	2008	2023	2038	2053	2108	2123	2138	2153	2208	2223
Stratford	DLR	1745	1800	1815	1830	1845	1900	1915	1930	1945	2000	2007	2015	2030	2045	2100	2115	2130	2145	2200	2215	2230
Romford	d		1808	1838	1908	1938	2008	2038	2108	2138	2208	2238										
Shenfield	a	1800	1817	1830	1847	1900	1917	1930	1947	2000	2017	2022	2030	2047	2100	2117	2130	2147	2200	2217	2230	2247
Shenfield	d		1818	1848	1918	1948	2018	2048	2118	2148	2218	2248										
Billericay	d		1824	1854	1924	1954	2024	2054	2124	2154	2224	2254										
Wickford	d	1805	1830	1900	1905	1930	2000	2005	2030	2100	2105	2130	2200	2205	2230	2300						
Battlesbridge	d	1809		1909	1913	2013	2109	2113	2213													
S Woodham Ferrers	d	1813		1913	1920	2020	2120	2220														
North Fambridge	d	1820		1925	1930	2030	2130	2230														
Althorne	d	1825		1936	1942	2042	2142	2242														
Burnham-on-Crouch	d	1830		1936	1942	2042	2142	2242														
Southminster	a	1836		1942	1948	2048	2148	2248														
Rayleigh	d		1835	1905	1935	2005	2035	2105	2135	2205	2235	2305										
Hockley	d		1839	1909	1939	2009	2039	2109	2139	2209	2239	2309										
Rochford	d		1843	1913	1943	2013	2043	2113	2143	2213	2243	2313										
Southend Airport	d		1845	1915	1945	2015	2045	2115	2145	2215	2245	2315										
Prittlewell	d		1848	1918	1948	2018	2048	2118	2148	2218	2248	2318										
Southend Victoria	a		1852	1922	1952	2022	2052	2122	2152	2222	2252	2322										

London Liverpool St	DLR	2238	2253	2308	2323	2334	2345	0002	0015	0050
Stratford	DLR	2245	2300	2315	2330	2341	2352	0009	0022	0057
Romford	d		2308	2338	0004	0035	0108			
Shenfield	a	2300	2317	2330	2347	2356	0017	0032	0048	0120
Shenfield	d		2318	2348	0019	0049	0121			
Billericay	d		2324	2354	0025	0055	0127			
Wickford	d		2330	2359	0030	0100	0132			
Battlesbridge	d									
S Woodham Ferrers	d									
North Fambridge	d									
Althorne	d									
Burnham-on-Crouch	d									
Southminster	a									
Rayleigh	d		2335	0005	0035	0105	0137			
Hockley	d		2339	0009	0040	0110	0142			
Rochford	d		2343	0013	0044	0114	0146			
Southend Airport	d		2345	0015	0046	0116	0148			
Prittlewell	d		2348	0018	0049	0119	0151			
Southend Victoria	a		2352	0026	0056	0126	0158			

Appendix E – Officers Report – outline application (14/01016/OUT)



**REPORT of
HEAD OF PLANNING SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
1 DECEMBER 2014**

PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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 (Re-development of an existing site to create a proposed new bungalow dwelling house
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 new access, site curtilage separation and parking) (between the hours of 0800 and 2000
 hours weekdays and 0800 to 1600 hours on Sundays and Bank holidays, not at any time on
 Saturdays)
 The Bungalow Marlpits Road Purleigh Essex
 Applicant:- Mr Adrian White - Chelmsford Gospel Hall Trust
 Agent:- Mr Andrew Beard - CSJ Planning

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan – Saved Policies

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice (including emerging Local Development Plan Documents)

- i) Government policy and guidance
 - National Planning Policy Framework and Technical Guidance
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Local Development Plan Preferred Option Consultation 2012
 - Vehicle Parking Standards Supplementary Planning Document (SPD)
 - Accessibility to Buildings SPD
 - Children's Play Spaces SPD
 - Sadd's Wharf SPD
 - Heybridge Basin Timber Yard SPD
 - Developer Contributions Guide
 - Affordable Housing Guide
 - Heybridge Basin Village Design Statement
 - Wickham Bishops Village Design Statement

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

Land West Of Fambridge Road
North Fambridge OUT/MAL/14/01016



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:5,000

Organisation: Maldon District Council

Department: Planning Services

Comments:

Date: 20/11/2014

MSA Number: 100018588

NW1	Application Number	OUT/MAL/14/01016
	Location	Land West Of Fambridge Road North Fambridge Essex
	Proposal	Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.
	Applicant	Mr A & M Raven
	Agent	Mr Ian Woodward-Court, Plainview Planning Ltd
	Date Valid	21 October 2014
	Target Date	20 January 2015
	Case Officer	Samantha Gibbs, TEL: 01621 875861
	Parish	NORTH FAMBRIDGE

1. Introduction

- 1.1 This application is brought to the North Western Area Planning Committee for determination as it represents a major planning application, and follows the determination of a previous application, reference OUT/MAL/14/00186, by this Committee.

2. Site Description

- 2.1 The application site, measuring 6.19 ha / 15.3 acres in size, lies outside the development boundaries for North Fambridge and represents an open parcel of arable land. This site is located between the northern and southern areas of the settlement, with rear gardens of dwellings in The Avenue abutting the southern boundary. The site is predominantly rectangular in shape and has an existing access off Fambridge Road, opposite the access to Fleet Farm.
- 2.2 The topography of the site is gentle, with levels rising consistently and evenly from Fambridge Road towards the west.
- 2.3 The site is currently in use as an agricultural field and contains only limited hedgerow and tree planting along its boundaries.

3. The Proposal

- 3.1 The proposal represents a resubmission of the previous application that was refused by the Council (see planning history and assessment sections of this report for details). All details remain as per the previous proposal.
- 3.2 The application represents an outline proposal, with all matters reserved, and comprises the following elements:
- Up to 75 new dwellings, of which 30% will be affordable units.
 - Up to 1,000 sq.m. of flexible commercial and community space within Use Classes A1, A2, A3, B1, D1 and D2, broadly encompassing shops, financial and professional services, food and drink, office space, health, community and leisure facilities.

- A 1.8ha village green and further additional amenity space.
- 3.3 The indicative housing mix for this development is of 52 market homes and 23 social rented homes, with an approximate density of 18 Dwellings Per Hectare (DPH) on the land that would be developed, and 12 DPH over the whole site. Various indicative layouts have been submitted within the Design and Access Statement showing possible areas for the development. Each shows the front portion of the site, adjacent to Fambridge Road as a potential green space, incorporating a Sustainable Urban Drainage System (SUDS) retention pond, with the commercial and residential development in the larger western part of the site.
- 3.4 Draft Heads of Terms have been submitted and offer obligations for affordable housing, education, health, public transport, ecology, public open and local play space contributions.

4. **Relevant Planning History**

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace and a 1.8ha village green and public open space. Refused 11.08.2014.

5. **Consultation Replies**

Parish Council

North Fambridge Parish Council – No response received at time of writing.

External

Anglian Water – No response received at time of writing.

British Telecom – No response received at time of writing.

Education Department – No response received at time of writing.

Environment Agency – No response received at time of writing.

Essex County Fire and Rescue Services – No response received at time of writing.

Essex County Council (ECC) Highways - No response received at time of writing.

Essex and Suffolk Water – Existing apparatus does not appear to be affected by the proposal. No objection to the development subject to compliance with our requirements. Consent to this development is given on the condition that new water mains are laid in the highway of the site, and a new water connection is made onto our Company network for each new dwelling; and commercial and community units for revenue purposes.

If the reinforcement of the Company network is required to supply sufficient water to the proposed development, then the cost of the reinforcement works will be recovered from the Developer.

Essex and Suffolk Water continued:

As the development involves the construction of commercial and community units, the following applies:

Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are Notifiable under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the copy of the Water Regulations Information Sheet No. IS – 0014 attached for more detailed information.

Natural England – No response received at time of writing.

NHS Property Services – No response received at time of writing.

Sustainable Urban Drainage Team (ECC) – As the Lead Local Flood Authority (LLFA) we are providing informal comments on Sustainable Urban Drainage Systems (SuDS) schemes on sites over 1ha, which are given without prejudice to any future application under the Flood and Water Management Act. The Environment Agency remains the statutory consultee on surface water.

Having reviewed the Flood Risk Assessment and the associated documents which accompany the application, we would endorse the application for approval, based solely on the information relating to the surface water and groundwater drainage strategy, with the inclusion of the following comments which should be addressed before development commences:

9.2b Storage calculations should account for not only the runoff from new development but the effects of climate change on the undeveloped portion of the site too.

The Flood Risk Assessment (FRA) states that the rates will be limited to the greenfield runoff rate. What greenfield rate will be used? If equivalent rates are used for a range of storm events then long term storage should also be provided to take account of the additional volume of water that would be discharged from the site post development.

The report earlier states that runoff will be limited to greenfield but then states that all surface water will need to be retained on site. This should be clarified. If all surface water is being retained on site, then it should be demonstrated that infiltration is a viable solution.

The report states that rates will represent a reduction of the post development runoff rates. These figures should be provided so that this can be assessed.

Table Three suggests that below ground storage would be used to ensure that necessary storage can be achieved however the report previously states that there is over two ha of space available for SuDS therefore below ground storage should not be necessary.

Sustainable Urban Drainage Team (ECC) continued:

The use of low-flow appliances will not affect surface water runoff as this is associated with foul water discharge

The scale of the development is significant and given that it will be on greenfield land therefore any development will increase impermeable areas. If no connection to external drainage networks is being made then infiltration potential must be demonstrated in order to demonstrate the viability of the site.

Flood risk from off site should be also considered and factored into any necessary calculations.

There should be no combined flows to sewers if surface water is not being connected to external infrastructure.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration.

No further comments at this stage but attach standing advice explaining the implications of the Flood and Water Management Act and SuDs Approving Bodies (SABs) being established, and which could be enclosed as an informative along with your response issued at this time.

Internal

Countryside and Coast Officer – No response received at time of writing.

Economic Development – The Economic Development Unit has no objection to the proposed development. Note with interest that the Sustainable Vision Document offers a vision ‘the proposed development provides opportunity to create a self-sufficient village with the introduction of facilities and services, offices and jobs’. The application also proposes 100 full-time employees, although no further reference to the type of ‘offices and job’ opportunities in other supporting documents. We welcome the opportunity to discuss this in more detail with the applicant, should the project progress.

Emergency Planner - I have read the outline planning application above together with the associated FRA, and therefore have no comments to make from an Emergency Planning perspective.

Environmental Health – No response received at time of writing.

Housing Department - Strategic Housing Service's comments remain the same as previously submitted on the 23 May, 2014 Application – OUT/MAL/14/00186, which were as follows:

The proposal triggers the requirement for Affordable Housing under Policy H9 of the Local Plan.

Housing Department continued:

The current policy stipulates a provision requirement of 30% affordable housing with a split of 98% social rented and 2% shared ownership. However, we would accept affordable rent (as currently Social Rented stated in the Policy) provided the RP (Registered Provider / Housing Association) is recognised and regulated by the Homes and Communities Agency and eligible for funding from the Homes and Communities Agency.

However, Maldon District Council's emerging Local Development Plan 2014 -2029 identifies a requirement of 40% affordable housing provision for this site. The draft 2014 Strategic Housing Market Assessment recommends the following size of affordable units -

- One bed units - 40%.
- Two bed units - 50%.
- Three bed plus units - 10%.

The emerging policy and identified need also requires that a proportion of the affordable housing is provided to meet the needs of older people and facilitate best use of existing social stock. This could be homes for older people who want to downsize into smaller affordable accommodation.

The gross costs of the affordable units (rent / service charge etc.) have to be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by the Homes and Communities Agency and eligible for funding from the Homes and Communities Agency.

The Affordable Scheme detailing tenure, costs, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.

Strategic Housing Services fully supports this application which assists in meeting the affordable housing need of the District and would request the applicant contacts in the near future to discuss the tenure, cost, and allocation of the affordable units of this proposed scheme.

Planning Policy Officer – No response received at time of writing.

Senior Conservation and Urban Design Officer – No response received at time of writing.

Tree Officer – The proposal identifies perimeter vegetation to be retained and protected. It also proposes tree planting. This information is very general and not detailed or specific enough to support a proposal of this size.

Please condition a full BS5837 report and detailed landscaping plan if this proposal is approved.

6. **Letters of Representation**

Letters of Objection:

K P Cooper River View Cottage Brabant Road North Fambridge
Ms S A Cooper River View Cottage Brabant Road North Fambridge
Joyce M White Locharon Franklin Road North Fambridge
Mrs & Dr Emma & Daniel Hancock 16 Rectory Road North Fambridge Chelmsford
Mr Steve Withey The Lodge Ferry Road North Fambridge
Damian Le Bargy Penmarric Franklin Road North Fambridge
Elizabet Clack Pound Field Cottage Roberts Road North Fambridge
Mr & Mrs D. H. Deer Southside The Avenue North Fambridge
Mrs Patricia Wade Stondon The Avenue North Fambridge
Mr Kenneth Nunn Fourways Stephenson Road North Fambridge
Mrs T. Perry The Rest Franklin Road North Fambridge
Paul Layzell Avocet House 5 The Gables North Fambridge
F.A.C. Wade Stondon The Avenue North Fambridge
Martin MacMillan Pound Field Cottage Roberts Road North Fambridge
Gary S Hayes The Hayloft Church Farm Barns Church Road
Mrs Carol Ellis The Ridings Franklin Road North Fambridge
J C Woods Beechwood House Ferry Road North Fambridge
B J Woods Beechwood House Ferry Road North Fambridge
C B Woods Beechwood House Ferry Road North Fambridge
Dorene Crawford Catenac Brabant Road North Fambridge
Douglas Crawford Catenac Brabant Road North Fambridge
Kay & Ben Travers Hillview Franklin Road North Fambridge
Mr K Boden Langmeil The Avenue North Fambridge
Ray Hunt 12 Rectory Road North Fambridge Chelmsford
Angela Boden Langmeil The Avenue North Fambridge
A J Woods Beechwood House Ferry Road North Fambridge
Richard Edwards Gate Marsh House Church Road North Fambridge
Jane Cranna Ferrymans Cottage Ferry Road North Fambridge
Keith Cranna Ferrymans Cottage Ferry Road North Fambridge
Thomas Stannard Little Grove Roberts Road North Fambridge
Bridget Eyre Bracken House The Avenue North Fambridge
Leanne Eyre Bracken House The Avenue North Fambridge
Edward Eyre Bracken House The Avenue North Fambridge
Mark Eyre Bracken House The Avenue North Fambridge
Mr BJ Newman Tay House Fambridge Road North Fambridge
Andrew Scott Kennetts Farm Ferry Road North Fambridge
James & Joyce Murray The Oaks 1 The Gables North Fambridge
Mrs ED Newman Tay House Fambridge Road North Fambridge
Mr P Baxter Rowan House Fambridge Road North Fambridge
D Stilwell 9 Rectory Road North Fambridge Chelmsford
Rhiannon Stilwell Tacita The Avenue North Fambridge
Ryan Stilwell Tacita The Avenue North Fambridge
Michael Beck Riverndell Franklin Road North Fambridge
Mr B Toloui Oronsay Ferry Road North Fambridge
Hilary & Derek Gardner Mallard Roberts Road North Fambridge
Miss Ann P. Thomas Easter Cottage Station Approach North Fambridge
Neil Page Oakwood Lodge Stephenson Road North Fambridge
Jeffrey Kershaw The Boardwalk Fambridge Road North Fambridge

Letters of Objection continued:

Graham Rowley Seacroft Ferry Road North Fambridge

Main reasons for Objection:

Infrastructure, sewerage and flooding

- Infrastructure in the village is unfit for purpose.
- Regular pumping in area due to overwhelmed sewage system.
- Increased burden on the sewage system.
- Applicant has not made it clear that they are willing to fund the infrastructure requirements.
- Lack of detail regarding sewerage proposals.
- Significant upgrade required for the sewerage system.
- High water table in the area.
- Problems with instance as a result of flooding.
- Site is waterlogged regularly.
- Proposal would reduce natural drainage and cause more flooding in the area.
- Sewage system is at capacity.
- Site is within a flood zone.
- Regular flood warnings in the area.
- Surface water increase as a result of the proposal.

Locational considerations

- Lack of school places in the area.
- No plans for a new school.
- Lack of medical facilities.
- Poor bus services and train services.
- Lack of street lighting and good footpaths in the village.
- Unsustainable location with no shops, dentists, schools, indoor leisure facilities, post office or bank.
- Impact on the Wildlife Trust and SSSI.
- Limitations on the existing railway services through the village.
- Expense of existing rail travel from the village.
- The LDP would address road and rail requirements.
- Housing will increase pressure on existing facilities.
- Inadequate broadband speed.
- Already have an adequate village hall and park.

Design considerations

- Out of character with existing development.
- Backland development.
- Overwhelming size.
- Shops, offices and restaurants are out of character with the village.

Main reasons for Objection continued:

- Proposed housing and affordable housing is out of keeping.
- Density means housing will be crowded into a small area.
- Out of keeping with character of the village.
- Sufficient public space within the village.
- Urban Sprawl development/ urbanisation of the village.
- No demand for affordable housing.
- Layout does not take account of the village character.

Traffic, access and highways

- Impact of this amount of development on the highway network.
- Single road into and through the village.
- Concerns regarding highway safety and number of accidents.
- Increased number of cars and traffic.
- Trip data collected is worthless.
- Concerns regarding the existing road junction to the main road.
- Numerous traffic incidents in the area.
- Lack of A roads in the area.
- Access problems for emergency services.
- Proximity to recreational ground could have highway safety implications when turning onto the road.

Nature conservation and landscape

- Loss of rural characteristic of the village and compromising open nature.
- Green belt land.
- SSSI close to the site – impact upon it.
- Impact of the development on wildlife and Nature Reserve.
- Loss of farm land.
- Unique area and landscape with local wildlife.
- Impact of development in recent past on hedgerows, pavements and roadways.
- Proposal would not respect the character of the area or open countryside.

Other comments

- Set a precedent.
- No changes to the application.
- Fundamental concerns are well known.
- Applicant is denying other villagers the opportunity to develop in more appropriate locations.
- Proposal is premature to the LDP.
- Same as previous application.
- Economic element of proposal has no tangible benefits for the community.
- Need to travel to secure work.

Main reasons for Objection continued:

- Number of new jobs will be small.
- Lack of passing trade and footfall for the commercial development.
- No objection to the controlled and managed growth of the village.
- Community wishes have been ignored.
- Conflict with the Local Plan and Local Development Plan.
- Conflict with the NPPF.
- Development has generally been infilling.
- LDP refers to the facilities that may be available in the future, but not yet.

7. Assessment of Proposal

Policy Issues

(i) Relevant Development Plan Policies

Adopted Maldon District Replacement Local Plan

- S1 - Development Boundaries and New Development.
- S2 - Development Outside Development Boundaries.
- CON5 - Pollution Prevention.
- CC1 - Development affecting and internationally designated nature conservation site.
- CC2 - Development affecting a nationally designated nature conservation site
- CC5 - Protection of Wildlife on Development Sites.
- CC6 - Landscape Protection.
- H1 - Location of New Housing.
- H9 - Affordable Housing.
- H10 - Rural Exception Sites.
- BE1 - Design of New Development.
- BE3 - Public and private amenity spaces.
- BE18 - Control of Development at a Site of Local Archaeological Value.
- REC3 - Children's Play Space associated with new housing developments and elsewhere in the District.
- T1 - Sustainable Transport and Location of New Development.
- T2 - Transport Infrastructure in New Developments.
- T8 - Vehicle Parking Standards.
- PU1 - Provision of Educational Facilities.

(ii) Maldon District Local Development Plan

The Maldon District Local Development Plan was submitted to the Secretary of State for Examination-in-Public on 25 April 2014. The Council is seeking to progress the Examination-in-Public process as quickly as possible in order to adopt the Plan at the earliest possible opportunity. The Local Development Plan (incorporating minor

modifications) and associated evidence base as submitted to the Secretary of State is a material consideration in the determination of planning applications. The following policies are considered relevant to this application:

- S1 - Sustainable Development.
- S5 - Settlement Hierarchy and Boundaries.
- S7 - Prosperous Rural Communities.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design and Quality and Built Environment.
- D2 - Climate Change and Environmental Impact of New Development.
- D4 - Renewable Energy and Low Carbon Energy Generation.
- D5 - Flood Risk and Coastal Management.
- E1 - Employment.
- E3 - Community Services and Facilities.
- H1 - Affordable Housing.
- H2 - Housing Mix.
- 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.

(iii) Government Guidance

- **The National Planning Policy Framework (NPPF).**

7.1 Relevant history and Justification for the Proposal

- 7.1.1 This application follows the refusal of application OUT/MAL/14/00186 by the council on 11 August 2014. The application was refused for the following reason:

The proposed development would trigger a requirement for foul and surface water infrastructure improvement to achieve a suitable capacity and connection to the mains sewage network. As a result of the capacity restrictions identified by the statutory sewage undertaker for this area it is clear that significant infrastructure costs are associated with the works required to upgrade the existing sewage and surface water infrastructure / capacity in order to facilitate this development. The applicant has not submitted sufficient information to demonstrate that this development is both viable and deliverable in context of the reasonable requirements of the statutory sewage undertaker. In the absence of a viability and delivery assessment it is considered that the development cannot be accurately measured against the provisions contained within the National Planning Policy Framework, together with saved policy CON5 of the adopted Maldon District Replacement Local Plan, emerging policy I1 of the submitted Maldon District Local Development Plan and the Council's Infrastructure Delivery Plan.

- 7.1.2 In considering these reasons for refusal in relation to the current scheme, the following matters are relevant.
- 7.1.3 The first reason for refusal relates to foul water infrastructure improvements, capacity issues and the viability and delivery of the development. However, there is an “*absolute right*”, conferred by S106 of the Water Industry Act (1991), on the owner or occupier of premises, to connect those premises to a public sewer without any requirement to give more than 21 days notice. Unless the Undertaker is provided with sufficient advance notice of large scale increases there is the potential for the public sewer to not have surplus capacity capable of accommodating the increased load, without the risk of flooding. This problem is accentuated by the fact that the budgets of Sewerage Undertakers and the charges that they are permitted to make, have to be agreed by OFWAT and that this process takes place at five yearly intervals.
- 7.1.4 It is also clear that it is entirely undesirable to permit a development to take place which then has an automatic right to discharge into a public sewer, which it will overload.
- 7.1.5 The accepted legal stance is that that a Local Planning Authority (LPA) can make planning permission conditional upon there being in place adequate sewerage facilities to cater for the requirements of the development without ecological damage. Therefore, if the developer indicates that he intends to deal with problem of sewerage by connecting to a public sewer, the LPA can make planning permission conditional upon the sewerage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load. Thus, the LPA can prevent a developer from overloading a sewerage system before the Undertaker has taken steps to upgrade the system to cope with the additional load.
- 7.1.6 Within the planning system there is an acknowledged presumption in favour of development unless the proposal would result in demonstrable harm to interests of acknowledged importance. Furthermore, planning permission should not be withheld when it is possible to impose a condition, upon the granting of planning permission that would overcome any demonstrable harm from the development. It has been decided at the High Court that Grampian Conditions in relation to foul water infrastructure are an appropriate ‘tool’ for controlling any environmental harm.
- 7.1.7 As such, the first reason for refusal can be adequately addressed by way of appropriately worded planning conditions.

7.2 Principle of Development and Sustainability

- 7.2.1 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.
- 7.2.2 Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development.

- 7.2.3 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 7.2.4 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan ‘Preferred Options Consultation’ through the pre-amble to policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan.
- 7.2.5 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S1 allows for new development within the defined development boundaries. However, both policies S1, S2 and H1 have been assessed against the NPPF and are both not considered to be fully compliant with the NPPF. This is because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF. Nevertheless Local Plan policies CC6, CC7 and CC11 seeks to protect the rural and coastal landscape in the District and is considered to be compliant with NPPF which seeks to protect the ‘intrinsic character and beauty of the countryside’.
- 7.2.6 The application follows a previous application considered by this Council. The previous application raised no objection when permission was refused on the grounds of sustainability or the general principle of development.
- 7.2.7 When taking into consideration the proposed rural allocation of 75 dwellings within the village of North Fambridge as part of the Submission LDP, the proposal is considered to represent a sustainable form of development, and given the details of this proposal to provide residential and commercial development, could provide some beneficial improvement to the sustainability of this village in the long term.

7.3 **Economic development and prosperity**

- 7.3.1 The proposal seeks to provide 1000sqm of commercial floor space in a new village centre and would be focused on small to medium sized businesses.
- 7.3.2 At present, the village offers very limited employment opportunities and so this addition would be considered to provide essential support to existing and future occupiers of dwellings in the village (including those proposed), offering local services, facilities and jobs that can help contribute to the sustainability of North Fambridge. In this respect it is noted that the Economic Development Officer has not objected to the scheme and there were no objections raised to this element of the scheme, in the previous refused application.

- 7.3.3 The employment and commercial provision of this scheme would therefore be considered to provide an essential contribution to the village, in accordance with the sustainability agenda set out in the NPPF.

7.4 Housing Land Supply and Need

- 7.4.1 In respect of the Council's current land supply position, paragraph 49 of the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development. Saved Replacement Local Plan policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 7.4.2 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.
- 7.4.3 The Council is pro-actively working to address the housing land supply shortfall. The Submission Maldon District Local Development Plan (LDP) sets out the Council's future strategic approach to boost significantly the supply of housing and identify sites for the delivery of the housing strategy over the plan period, including specific deliverable sites sufficient to provide five years' worth of housing against the local housing requirement.
- 7.4.4 The proposal would result in the provision of up to 75 dwellings on this site. No indicative mix of housing has been provided within this application although this would be finalised at the reserved matters stages of development. This housing provision would however assist in meeting the housing shortfall of the District.
- 7.4.5 Emerging policy H2 of LDP contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore encourages in the emerging policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's recently updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 7.4.6 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. Without an indicative mix for the units it is difficult to state outright that the housing would contribute to the objectively assessed housing needs of the District. However, this application is in outline with all matters reserved. As such, the housing mix can be agreed at the reserved matters stages and the council would expect the housing mix for the development to meet the SHMA requirements.

7.5 Housing Density, Mix and Affordable Housing

- 7.5.1 The NPPF and through paragraph 50 identifies that local planning authorities should deliver a wide choice of high quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of communities. The NPPF also identifies that the type, tenure and range of housing should reflect local demand.
- 7.5.2 As detailed above, the SHMA report identifies that future delivery of housing in the market sector could be 60% for small housing units of one or two bedrooms for single / couple households and small families with 40% need for three or more bedroom units. For affordable housing there is a need for 245 affordable units to be built per year over the lifetime of the emerging plan with a housing target of 40% of schemes to be affordable in certain parts of the District.
- 7.5.3 Local Plan policy H9 seeks 30% of the total number of dwellings to be affordable housing and for North Fambridge this trigger occurs for developments of more than 12 dwellings. The LPA would require the developer to enter into a section 106 legal agreement to secure this provision.
- 7.5.4 In this instance, the proposal includes an obligation, which would be secured by way of a S106 Agreement, to provide 30% of the residential units as affordable housing. With the current proposed provision, this would amount to 23 of the 75 units. This agreement will also need to ensure an appropriate number of smaller units in accordance with the SHMA.
- 7.5.5 The Housing department, as detailed above, has supported the application on the basis of the affordable housing provision proposed and the scheme would be considered to meet the requirement of the current adopted policy H9.

7.6 Scale and Design and Impact on Character and Appearance of the Area

- 7.6.1 Policy BE1 of the local plan and D1 of the submission LDP relate to design, seeking to ensure the design of development is acceptable for the locality taking into consideration the existing development and character of the area in which it is set. new development which lies outside of the settlement should make a positive contribution to the locality. In this respect, policies CC6 and CC7 of the local plan and S8 and D1 of the Submission LDP all aim to ensure that development in such locations protect the character of the area, including the landscape quality, tranquillity and natural beauty.
- 7.6.2 In this instance, the proposal is in outline with all matters reserved. As such all design considerations remain outstanding for later approval by this LPA. Various indicative layouts have been provided suggesting potential forms for development, but are not specific enough to provide any detailed comments on at this time. Consequently all comments on design, including layout, form, mass and appearance, would be provided when full details are submitted.
- 7.6.3 In terms of character of the area, the site is an open, arable parcel of land between two areas of the village. Therefore it is evident that some impact will be caused. However, there was no objection raised to the previous application when planning

permission was refused, on the basis of its impact on the locality. It is also considered that this matter can be sufficiently addressed at the reserved matters stages through the agreement of an appropriate layout, including landscaping and areas of public open space as proposed, and that the development would be capable of providing some enhancement to the locality through this process.

7.7 Effect upon Neighbouring Properties

- 7.7.1 Policy BE1 of the local plan and D1 of the submission LDP aim to ensure, through consideration of design that no harm is caused to neighbouring amenity by way of, for example, overlooking, loss of privacy or overshadowing.
- 7.7.2 Given the details within this outline application, it is not possible to fully assess the impact of the development on neighbouring amenity. However, the council would expect the adopted guidance of the Essex Design Guide to be followed, particularly in terms of back to back distances, in order to protect the amenity of existing and neighbouring occupiers. This would be fully assessed at the reserved matters stages of the development. It is also noted that the reasons for refusal of the previous application did not raise amenity as a concern.

7.8 Flood Risk

- 7.8.1 The site is located in Flood Zone 1 and Flood Zone Two, with low risks of flooding. The proposed residential development, although to be finalised at reserved matters stages, would be located within the area.
- 7.8.2 There was no objection to the previous application from the Environment Agency or Emergency Planner, although it is recognised that objections were originally raised, overcome by the FRA submitted on 4 June 2014. In this current scheme, no objection has again been received from the Emergency Planner. Although the Environment Agency is yet to respond, there is no difference between the previous and current planning application in terms of detail, and so it is envisaged that no objections will again be received subject to the FRA being considered acceptable. Any update in this respect will be included on the Members' Update or confirmed verbally at the meeting where necessary.

7.9 Access, Parking and Highway Safety

- 7.9.1 Access remains a reserved matter for later consideration and approval by this authority. Through the reserved matters stages the council will be able to ensure, in consultation with the Highway Authority, that the development provides a safe means of access into, throughout and out of the development, in the interest of highway safety of all road users.
- 7.9.2 In terms of parking, the Adopted Vehicle Parking Standards Supplementary Planning Document (SPD) confirms the level of parking to be provided for each dwelling, depending on the number of bedrooms proposed per unit. The council can ensure that sufficient parking provision is incorporated into the scheme at the reserved matters stages and through the use of appropriate conditions. The cycle standards set out within the adopted Vehicle Parking Standards SPD would also be addressed at reserved matters stage.

7.10 Provision of Amenity Space and Landscaping

- 7.10.1 Local Plan policy BE1 requires amenity space and landscaping provision for new developments. Further to this policy BE3 identifies certain criteria for applications which involve the creation of public and private open spaces and the criteria includes space and functionality requirements and appropriate surfacing treatment. Submission LDP policy N3 on Open Space, Sport and Leisure provides a more up-to-date position and is a material consideration.
- 7.10.2 The layout of the development would be determined at reserved matters stage and the amenity space proposed for each dwelling would need to accord with the adopted guidance in the submitted layout. This is set out in the Essex Design Guide (EDG), requiring a minimum of 50sqm amenity space for a two bedroom dwelling and 100sqm for a three or more bedroom dwelling. In less dense areas it is expected that this would be exceeded.
- 7.10.3 The development proposal indicates that some public amenity areas / green space would be provided, amounting to 1.8 hectares. This can be secured by way of a S106 Agreement, including financial obligations for its long term up keep, and confirmation of the management company to which the open space would be transferred to. In this respect, the Green Infrastructure Study (2011) identifies that there is an under provision of public parks and amenity spaces in North Fambridge and so it would be essential to ensure that this space is provided for the benefit of the whole community.
- 7.10.4 In terms of landscaping, the proposal suggests that a belt of woodland to the western side would be provided. Although this would be dealt with at the reserved matters stages, it is considered that a feature of this type would provide an important visual buffer between the development and open countryside, and this would be considered favourable.

7.11 Nature Conservation

- 7.11.1 The application site, and indeed the whole of North Fambridge, lies within close proximity to the Essex Coast Environmentally Sensitive Area (ESA) which is an expanse of land adjacent to the estuary, recognised by Natural England for its wildlife benefit. The site is also located within close proximity to the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI). This SSSI is part of the Crouch and Roach Estuaries Special Protected Area (SPA) and Ramsar site. The site is also close to the Essex Estuaries Special Area of Conservation (SAC) and the Blue House Farm nature reserve.
- 7.11.2 To date no comments have been received from Natural England in relation to this application, or from the Countryside and Coast Officer. However, this application represents a resubmission of an earlier application, whereby neither consultee raised an objection subject to conditions.
- 7.11.3 In this respect, Natural England previously considered that a Habitat Regulation Assessment (HRA) was necessary (and which was to be undertaken by the Council in consultation with Natural England and the Essex Wildlife Trust). However, this had

not been completed at the time the application was determined. This remains the case at present.

- 7.11.4 Natural England has previously advised that the HRA may be able to conclude that there is not likely to be a significant effect on the nearby European protected site, but, in the absence of an HRA, and in light of additional off-site mitigation for the Wildlife Trust land, Natural England anticipated that the Council could conclude that there would not be a 'significant likely effect' on the habitat and protected site. As such it was concluded that a decision could be reached on the outline application subject to suitably worded conditions relating to on-site and off-site mitigation and management strategies.
- 7.11.5 Natural England at the time considered that this information could be dealt with through the reserved matters stages and used to complete the Council's draft HRA which should be completed prior to the issue of final permissions for this development.
- 7.11.6 In response to this, it was concluded that the S106 agreement for this development should include an obligation to require the applicant / land owner to develop an off-site mitigation strategy to establish opportunities for the Essex Wildlife Trust reserve, and should include an associated developer contribution for measures to be implemented prior to occupation of the development.
- 7.11.7 When planning permission was refused for this previous scheme, no objections, or reasons for refusal, were raised in relation to this particular consideration. As such, it is considered that in this instance, the same obligations should be imposed to ensure that sufficient strategies for mitigating the impact of development on the nearby protected wildlife areas are included for the benefit of the locality as a whole.
- 7.11.8 As stated, no formal consultation response has yet been received from Natural England or the Countryside and Coast Officer. However, any update received will be included on Members' Update or confirmed verbally at the meeting and the recommendation updated accordingly.

7.12 Boundary Treatment

- 7.12.1 The issue of boundary treatment would also be addressed at the reserved matters stages of the development through an appropriate layout and landscaping scheme. It would be expected that boundary treatment, where possible, includes native mixed hedgerow species in the interest of visual amenity of the locality, in addition to appropriate fencing. No details are provided for comment in this application.

7.13 Other Considerations

- 7.13.1 A number of letters of objection have been received in relation to this application. Many of the issues have been addressed throughout this report. However, it is noted that there is considerable concern regarding the implications of the development on the sewerage network and potential impact the development could have in terms of existing capacity. In this regard, the comments above, in relation to the planning history of the site, remain a relevant a material consideration.

- 7.13.2 It is clear that there is a requirement to connect to the relevant system, and that the council can exercise its powers to ensure a suitable strategy is provided, by way of Grampian condition. This would ensure that the development will not be undertaken until the capacity of the sewerage system is capable of accommodating the increased capacity requirements resulting from this development. This approach is considered to provide security for existing and proposed residents in the locality and ensure that the development would not increase any existing capacity issues which may otherwise be of concern.

7.14 Planning Obligations

- 7.14.1 Draft Heads of Terms have been submitted with the application. This indicates that the applicant is willing to make obligations to affordable housing, a residential travel plan, education and school transport costs and health.
- 7.14.2 It is considered that these, in addition to the proposed addition in respect of off and on site mitigation, would be reasonable requirements in ensuring that the development can mitigate its impact on the locality and offer some benefits to the surrounding outside of the physical on site features.
- 7.14.3 In this respect, it is noted that the previous application was recommended for approval subject to a section 106 legal agreement and various conditions. There was no objection raised to the obligations proposed as part of the legal agreement, including those raised in the Members' Update (mitigation).
- 7.14.4 In respect of education contributions, no formal response has been received from the Education Department to confirm whether a contribution is required or indeed how much contribution is required. However, if there have been material changes in circumstances since the determination of the previous application resulting in a different request from the Education Department, this would need to be fully assessed and considered against policy requirements. Any update will therefore be provided on the Members' Update or verbally at the committee accordingly.
- 7.14.5 Equally, at the time of writing this report, no response has been received from NHS property services. Therefore, the recommendation will include the sought contribution on health as requested in the previous application. However, should this figure alter, officers would consider this against the policy requirements and update the recommendation accordingly, detailing changes on the Members' Update or verbally at the committee meeting for consideration. This also applies to the Residential Travel Plan which the Head of Terms indicate will be included in the legal agreement, and to which Essex County Highways Department may wish to comment upon in their consultation reply.

7.15 Conclusions

- 7.15.1 The proposal represents a resubmission of an earlier scheme which sought outline permission with all matters reserved for 75 dwellings. This was refused for one reason relating to sewerage capacity. Within this report, details have been provided above to demonstrate why it is considered that this reason for refusal can be addressed through the use of a condition. There are no new concerns or planning considerations arising and so on this basis, the proposal is considered to be acceptable subject to a

S106 agreement and a number of conditions as detailed below. Any alterations to the recommendation, including conditions, S106 obligations and informatives from consultees shall be detailed on the Members' Update.

Recommendation

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to require the following planning obligations:

- 1 Prior to first occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the payment of a £3,000 (three thousand pounds) monitoring fee to Essex County Council (ECC) and the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 2 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, which shall include the provision of vouchers for one 7 day rail pass per dwelling from Abellio Greater Anglia, within Essex or to London Liverpool Street as a maximum distance / cost, with details to be agreed by Essex County Council.
- 3 A contribution towards primary and secondary school transport costs. For information purposes only, should the final development result in the suggested net increase of 75 houses with two or more bedrooms, the school transport sum would be £232,537.50. This amount would be index linked to April 2014 costs.
- 4 Details of a commuted sum for the maintenance of the areas proposed below, and identification of who shall be responsible for the maintenance of these areas.
 - Provision for the implementation and management of 1.8ha of village green.
 - Management of areas proposed as green infrastructure, including perimeter vegetation and the proposed woodland buffer to the western boundary, to be implemented and maintained as amenity areas.
 - Provision for the implementation and management of areas proposed for play space.
- 5 Details of a commuted sum for the following proposed works of ecological mitigation:
 - The production and printing costs of information leaflets detailing the importance of the designated Special Protection Area (SPA) and nature reserve, the potential harmful impact of dog walking and the request to use alternative routes during the winter feeding season in particular. These are to be circulated to existing and new residents, with additional copies being printed for the Blue House Farm warden for distribution, as required.
 - The production and installation of additional interpretation boards and information signs within the designated SPA and nature reserve, to inform and seek to restrict access within the site.
 - The provision of alternative recreational spaces on site, broadly as proposed in the submitted application.
 - Improvements to the existing parish field / playground, to include additional seating and dog bins, in consultation with North Fambridge Parish Council (the latter is subject to there being no restriction on dog walkers within the playground).
 - The construction of a fence, extending approximately 300 metres alongside FP13 within the SPA, to contain walkers within the public footpath and to

- prevent straying onto important winter feeding grounds adjacent to the public footpath.
 - The provision and maintenance of additional recreational paths at the following locations, to enable dog walkers to use alternative circular routes away from the Special Protection Area, thus enabling protection of this sensitive area, to include the following:
 - (i) The application site boundaries and within on-site buffer zones.
 - (ii) Within the land edged blue.
 - (iii) Links to the existing network of footpaths to the west of the application site.
- 6 Such paths would include the provision of easy access / egress gates, rather than stiles, for users
 - Monthly monitoring during the overwintering period, for five years after the completion and occupation of the development, of the following:
 - (i) Bird numbers and species and their location within the SPA and nature reserve.
 - (ii) Recreational usage of footpaths throughout the site and the patterns of distribution.
- 7 30% affordable housing to meet the requirements of the emerging Local Development Plan 2014 – 2029 in line with the recommendations of Strategic Housing. Gross costs of the affordable units (rent/service charge etc.) are to be within Maldon District Council's Strategic Tenancy Strategy guidelines and delivered by a Registered Provider who are recognised and regulated by the Homes and Communities Agency and eligible for funding from the Homes and Communities Agency. The Affordable Scheme detailing tenure, costs and allocation of affordable units, is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.
- 8 A developer contribution of £19,720 to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.
- 9 Develop an off-site mitigation strategy to establish opportunities for Blue House Farm Essex Wildlife Trust reserve with associated developer contribution for measures to be implemented prior to occupation of the development.

And subject to the following conditions:

- 1 The development shall be carried out in accordance with plans and particulars relating to the access, landscaping, appearance, layout and scale, (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 The development through the reserved matters application shall accord with the details stated within the Design and Access Statement, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and Policy D1 of the Submission Maldon District Local Development Plan.
- 5 No development shall take place until details including samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and Policy D1 of the submission Maldon District Local Development Plan.
- 6 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: In order to safeguard the amenities of future occupiers of the dwellings in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and Policy D1 of the submission Maldon District Local Development Plan.
- 7 The landscaping details referred to in Condition One shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submission Maldon District Local Development Plan.
- 8 No trees within the site shall be felled, cut back, damaged or removed, unless as shown on the approved plans or as otherwise first agreed in writing with the local planning authority. No development shall commence until information has 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 as follows:

- 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).

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Landscape and Arboriculture Assessment in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing.

The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be 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.

REASON: To protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submission Maldon District Local Development Plan.

- 9 No hedges within the site shall be removed, cut back in any way, or damaged, except as shown on the approved plans or otherwise as first agreed in writing with the local planning authority. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Landscape and Arboriculture Assessment in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials 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, unless otherwise first agreed in writing with the local planning authority. 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 protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7

- of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submission Maldon District Local Development Plan.
- 10 The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Reports which are attached to and forms part of this permission: Extended Phase 1 Habitat Survey ref MH234 dated 5 February 2014 and additional letter dated 14th May 2014, reference MH234-01, both by T4 Ecology Ltd, unless otherwise agreed in writing by the local planning authority.
REASON: To protect and enhance the existing ecological assets on the site in the interests or visual amenity and the character of the area, in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submission Maldon District Local Development Plan.
- 11 No development shall take place until full details and specifications of a surface water drainage scheme within the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. The drainage scheme should demonstrate the surface water run-off generated up to and including the one in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure the incorporation of an appropriate drainage scheme to prevent the increased risk of flooding, both on and off the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, Policy D2 of the submission Maldon District Local Development Plan and the guidance within the National Planning Policy Framework.
- 12 No development shall commence until details of who shall be responsible for the maintenance of the surface water drainage system in perpetuity have been submitted to and approved in writing by the Local Planning Authority. The management of the surface water drainage system shall accord with the approved details thereafter.
REASON: In order to ensure that adequate measures are in place to manage the surface water drainage system in the future and to prevent flooding in accordance with policy CON5 of the Maldon District Replacement Local Plan, Policy D2 of the submission Maldon District Local Development Plan and the guidance within the National Planning Policy Framework.
- 13 No development approved by this permission shall be commenced until a scheme for the improvement of the existing foul and surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme needs to set out the phasing of the development in terms of dwellings built and occupied alongside the foul and surface water system improvements needed. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works.
REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment or general amenity arising from flooding, in accordance with policy CON5 of the Maldon District Replacement Local Plan and Policies D2 and H4 of the submission Maldon District Local Development Plan.
- 14 Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and south, as measured from and along the nearside edge of the

carriageway. Such vehicular visibility splays shall be provided before the road junction 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 road junction and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan, Policy T2 of the submission Maldon District Local Development Plan.

- 15 The scheme to be submitted pursuant to the reserved matters shall provide full details of the internal roads and footways within the development. The development shall be carried out in complete accordance with the approved details and retained as such thereafter.

REASON: To ensure roads/footways are constructed to an acceptable standard, in the interests of highway safety, in accordance with Policies BE1 and T2 of the adopted Maldon District Replacement Local Plan and Policies D1 and T2 of the submission Maldon District Local Development Plan.

- 16 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.

- 17 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.

- 18 Prior to the commencement of the development detailed drawings showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the scheme as approved.

REASON: In order to protect the visual amenity of the area and to safeguard the residential amenity of adjacent occupiers, in accordance with policy BE1 of the Maldon District Replacement Local Plan and Policy D1 of the submission Maldon District Local Development Plan.

- 19 No development shall commence until details have been submitted to and approved in writing by the local planning authority of an on-site Construction Management Plan detailing:

- Phasing of the development.
- Times during which all construction activities will take place.
- Measures to manage noise and dust emissions during construction.
- Protective fencing to secure the site.
- Construction site access details.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.

- Wheel and underbody washing facilities.
- Measures to prevent the tracking out of mud and debris onto the highway.

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protecting the amenities of adjacent occupiers during construction, having regard to policy BE1 of the Maldon District Replacement Local Plan and Policy D1 of the submission Maldon District Local Development Plan.

- 20 No development shall commence until a lighting strategy for the development, including the details of any street lights, has been submitted to and approved in writing by the local planning authority. The approved arrangements shall be implemented prior to the first occupation of the development and retained in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of visual amenity, the neighbouring rural countryside and highway safety in accordance with policies BE1 and BE8 of the adopted Maldon District Replacement Local Plan.

- 21 Prior to the commencement of the development, including any clearance works, a comprehensive Reptile Mitigation Strategy shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out and completed in accordance with the approved mitigation scheme.

REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and Policy N2 of the submission Maldon District Local Development Plan.

- 22 Prior to the commencement of development details of an on-site mitigation and management strategy relating to the design of the green space for recreational activity purposes shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To protect and enhance the existing ecological assets on the site in accordance with policies BE1, CC6 and CC7 of adopted Maldon District Replacement Local Plan and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

- 23 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To protect the site, which is of archaeological interest, in accordance with policy BE17 of the adopted Maldon District Replacement Local Plan and Policy D3 of the submission Maldon District Local Development Plan.

- 24 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the

local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON: To protect the site, which is of archaeological interest, in accordance with policy BE17 of the adopted Maldon District Replacement Local Plan and Policy D3 of the submission Maldon District Local Development Plan.

25 Notwithstanding the details submitted with this application, no development shall commence until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: There is the potential for the contamination of the site given past use. This needs to be assessed prior to the commencement of any development and the site appropriately mediated in order that it can be safely developed in accordance with policies CON5 and CON6 of the adopted Maldon District Replacement Local Plan, Policy D2 of the submission Maldon District Local Development Plan and the guidance in the National Planning Policy Framework.

26 No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: There is the potential for the contamination of the site given past use. This needs to be assessed prior to the commencement of any development and the site appropriately mediated in order that it can be safely developed in accordance with policies CON5 and CON6 of the adopted Maldon District Replacement Local Plan, Policy D2 of the submission Maldon District Local Development Plan and the guidance in the National Planning Policy Framework.

- 27 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policies CON5 and CON6 of the adopted Maldon District Replacement Local Plan, Policy D2 of the submitted Maldon District Local Development Plan and the guidance in the National Planning Policy Framework.

- 28 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 25, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 26.

REASON: There is the potential for the contamination of the site given past use. This needs to be assessed prior to the commencement of any development and the site appropriately mediated in order that it can be safely developed in accordance with policies CON5 and CON6 of the adopted Maldon District Replacement Local Plan, Policy D2 of the submitted Maldon District Local Development Plan and the guidance in the National Planning Policy Framework.

INFORMATIVES

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- 2 In connection with conditions in this planning permission, Arboricultural Practice Note No.12 [‘Through Trees to Development’ published by The Arboricultural Advisory and Information Service] also provides information and guidance on development within the root protection area of a tree.
- 3 The archaeological work will comprise trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified by the trial-trenching. All fieldwork should be conducted by a professional recognised

archaeological contractor in accordance with a brief issued by Essex County Council.
Contact Maria Medlycott, Historic Environment Officer: Telephone: 03330-136853
Email: maria.medlycott@essex.gov.uk

- 4 In seeking to comply with Conditions of this permission, the scheme provides an opportunity to deliver a range of small, low cost ecological enhancements providing long term benefits for local wildlife populations, including birds, reptiles, bats and hedgehogs. Such details should be provided with the submission of an application for the approval of reserved matters.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Appendix F – Officers Report – full planning application (21/00104/FULM)



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
NORTH WESTERN AREA PLANNING COMMITTEE
14 JULY 2021

Application Number	21/00104/FULM
Location	Land West of Fambridge Road, North Fambridge
Proposal	12No. dwellings with associated details for access, appearance, landscaping, layout and scale.
Applicant	BDW Eastern Counties - BDW Eastern Counties
Agent	N/A
Target Decision Date	05.05.2021 – EOT until 19.07.2021
Case Officer	Julia Sargeant
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located to the east of Fambridge Road and within the settlement boundary of North Fambridge. The site itself forms part of a larger development site which had outline consent granted under reference 14/01016/OUT for up to 75 dwellings and up to 1,000 sq m of flexible commercial and community space. Reserved matters consent was granted under 19/00252/RES for the 75 dwellings and the development is currently under construction. This application site relates to the parcel of the larger site where the 1,000 sq m of flexible commercial and community space was granted consent.
- 3.1.2 The site itself is approximately 0.54 hectares in size and roughly rectangular in shape. The application site sits approximately 110 metres back from Fambridge Road to the west of an area of public open space provided as part of the larger development and to the east of residential dwellings under construction. It is currently being used as the construction compound for the larger element of the site.

Relevant Background

- 3.1.3 This application follows the withdrawal of a previous planning application on the site (20/00787/FUL) which was for 10 dwellings. A number of concerns were raised in relation to the scheme with the applicant which primarily related to:
- Lack of affordable housing provision;
 - Density of the development and making the most effective use of the land;
 - Appearance and design of some plots, and
 - Details of marketing undertaken.
- 3.1.4 This application follows the previously withdrawn application and seeks to address the previous concerns raised with the scheme in the following ways:
- Provision of 42% affordable housing;
 - Increased density of development from 22.9dph to 27.9dph;
 - Amendment to the design of dwellings and most notably the corner plots facing east across the public open space towards Fambridge Road.
 - Additional clarification on elements of the marketing undertaken.

Proposal

- 3.1.5 Planning permission is sought for the erection of 12 dwellings with associated access, appearance, landscaping, layout and scale. This is a Full application with all details submitted. The development proposes 5 units of affordable housing (41%) and 7 units of market housing. The dwellings proposed would all be positioned centrally within the plot with access taken for those facing south and west from the already approved access road and access for those facing east from a new private drive. One plot (plot 107) would take access directly from the already approved main spine road into the development.

3.1.6 The following house types are proposed:

3.1.7 Plots 106, 111 and 112 (market housing)

(please note plot numbers for this application start at 106 as the applicant is currently constructing 75 dwellings on this wider site and 30 dwellings on a neighbouring site known as Manor Farm, The Avenue granted consent under 14/01018/OUT and 18/00558/RES).

Plots 106, 111 and 112 are semi detached dwellings of a traditional form and appearance plots 111 and 112 would be finished in render with brick plinths and detailing, whilst plot 106 would be finished in buff/yellow brick. They form corner plots within the site and feature ground floor bay windows to the flank elevation to ensure an appropriate level of detailing to both the front elevation and side elevation. Plot 106 is located in the north western corner of the site and would front onto the access road to the west with the bay window detailed flank elevation facing the main spine road through the site. It would adjoin a different house type (plot 107 detailed later) and would be set back from the main spine road with an area of landscaping and pedestrian footway to the front of this elevation. Plots 111 and 112 are located in the south eastern corner of the site and adjoin each other forming one end of the main street scene facing out towards Farnbridge Road across the public open space. Whilst the main front elevations would face north and south across the access roads the secondary frontages with bay window detailing would face out across the public open space towards Farnbridge Road.

Each dwelling would measure 9.1 metres wide by 6 metres deep with an eaves height of 4.8 metres and a ridge height of 8.2 metres. Internally the dwellings would contain a lounge, open plan kitchen/diner and utility at ground floor level with two bedrooms, one with en-suite, family bathroom and study at first floor level.

Each dwelling would have the following size private amenity space and parking provision:-

Plot No.	Private Amenity Space	Parking Spaces
Plot 106	83 metres squared	2 spaces
Plot 111	80 metres squared	2 spaces
Plot 112	55 metres squared	2 spaces

3.1.8 Plot 107 (market housing)

Plot 107 is a semi-detached buff/yellow brick dwelling which would be attached to plot 106 along its western flank boundary. The dwelling is of a traditional design and would measure 4.5 metres wide by 7.9 metres deep with an eaves height of 4.7 metres and a ridge height of 7.4 metres. Internally the dwelling would contain a kitchen, w.c. and open plan lounge/diner at ground floor level and two bedrooms and a bathroom at first floor level.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 107	64 metres squared	2 spaces

3.1.9 Plot 108 (market housing)

Plot 108 is a detached two storey double fronted rendered dwelling with brick detailing. It has a traditional appearance with a bay window to the front elevation and a two storey gable projection to the rear. The dwelling would measure a maximum of 10.5 metres wide by 6.8 metres deep for the main section with the rear projection measuring a further 3.6 metres in depth. The eaves height of the property would be 5.1 metres with a maximum ridge height of 8.7 metres. Internally the dwelling would accommodate a lounge, breakfast/kitchen room, utility, dining room, study and w.c. at ground floor level and four bedrooms, one with en-suite along with a family bathroom at first floor level.

Plot 108 is a corner plot located into the north eastern section of the site fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 108	120 metres squared	3 spaces

3.1.10 Plot 109 (market housing)

Plot 109 is a detached two storey red brick built dwelling which would feature a front two storey gable projection as well as a bay window and a small single storey glazed rear projection. The dwelling would measure a maximum of 8.7 metres wide by 10 metres deep with an eaves height of 4.9 metres and a maximum ridge height of 8.6 metres. Internally the dwelling would accommodate a lounge, kitchen/diner, utility room, study and w.c. at ground floor level and four bedrooms, one with en-suite along with a family bathroom at first floor level.

Plot 109 is located along the eastern boundary of the plot fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 109	100 metres squared	3 spaces

3.1.11 Plot 110 (market housing)

Plot 110 is a detached two storey buff/yellow brick built dwelling with a first front gable feature central to the property creating a semi-enclosed porch area. The property would also feature a small single storey glazed rear projection. The dwelling would measure 11.2 metres wide by a maximum of 10.1 metres deep with an eaves height of 5 metres and a ridge height of 8.3 metres. Internally the dwelling would accommodate a lounge, kitchen/breakfast room, utility, dining room, study and w.c. at ground floor level and four bedrooms, two with en-suites as well as a family bathroom at first floor level.

Plot 110 is located along the eastern boundary of the plot fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 110	230 metres squared	4 spaces

3.1.12 Plots 113 and 114 (affordable housing)

Plots 113 and 114 comprise of a pair of handed semi-detached dwellings finished in red brick with front canopy projections. Each dwelling would measure 4.8 metres wide by 8.8 metres deep with an eaves height of 4.8 metres and a ridge height of 8.2 metres. Internally each dwelling would contain an open plan kitchen/diner/lounge area as well as a w.c. at ground floor level with two bedrooms and a bathroom at first floor level.

Plots 113 and 114 are located along the southern boundary of the site with a small area of open space beyond the internal access road.

These dwellings would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 113	80 metres squared	2 spaces
Plot 114	60 metres squared	2 spaces

3.1.13 Plots 115 and 116 (affordable housing)

Plots 115 and 116 comprise of a pair of flats designed to look like a two storey dwelling. The building would be constructed out of red brick with a single storey projection to the south. The property would be located on the south western corner of the site and access to the ground floor flat would be taken from the west facing elevation which would appear as a double fronted traditional dwelling and access to the first floor flat would be taken from the south facing elevation which would appear as a two storey gable ended dwelling. The property would therefore serve as a dual frontage property within its corner position. The overall building would measure 8.8 metres wide (10 metres including the single storey projection) by 6.2 metres deep with an eaves height of 5.1 metres and ridge height of 8.6 metres. Each flat would contain an open plan kitchen/diner/living room, bathroom and bedroom.

The flats would have a shared amenity space of 105 metres squared with one parking space per unit.

3.1.14 Plot 117 (affordable housing)

Plot 117 is a flat over garage unit designed to appear as a cartlodge. It would be constructed out of red brick and would feature a drive through car port section to allow access to the car port area from the rear with dummy windows at ground floor level to the front. The drive through car port access would also be used by plot 106 to access their off road parking spaces. The residential accommodation would all be at first floor level with access taken from the front west facing elevation.

The building would measure a maximum of 11.4 metres wide by 6 metres deep with an eaves height of 4.8 metres and a ridge height of 7.2 metres. Internally the unit would provide a kitchen, lounge/diner, bathroom and two bedrooms.

This unit would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 117	75 metres squared	2 spaces

3.1.15 External materials for the development have been provided which would be as follows:

- Brick - Red Multi – Ibstock Surrey Red
- Brick – Yellow- Forterra Village Harvest Multi
- Tile – Grey Plain Tile – Redland Richmond 10/Forticrete Mixed Russet
- Tile – Red Plain Tile – Forticrete Mixed Russet
- Render – Weber Monocucche Chalk
- Facia and Soffit – White uPVC
- Rainwater Goods – Black uPVC
- Front Doors – Black
- Garage Doors – Black
- Windows – White uPVC

3.2 Conclusion

3.2.1 This application relates to a parcel of land that is within a wider development site granted under 14/01016/OUT and is currently being built out pursuant to reserved matters approval 19/00252/RES. The application site itself has the principle of up to 1,000 sq m of commercial/community use approved under 14/01016/OUT. The applicants have marketed the site for the commercial/community use and the exercise and results have been captured in a Marketing Appraisal Report. The report concludes that over a three year period there was no viable or serious interest in the site, and that the size and nature of the area could not sustain viable options. This application would therefore result in the loss of the potential commercial/community use and the erection of 12 residential units, 5 of which would be affordable housing. The application site is considered to be within a reasonably sustainable location in terms of access to services and facilities due to the good rail connection at North Farnbridge, and the development of the site for 12 residential units would assist in making up the deficit in the Five Year Housing Land Supply (5YHLS). Whilst it is acknowledged that reserved matters for the commercial/community use have not been granted, for the reasons explained below, it is considered, on balance, that there are no objections to the principle of the development.

3.2.2 The design approach taken is considered to be appropriate to the site and would result in a seamless addition to the wider development with additional soft landscaping proposed. The development provides adequate off road parking, meets amenity spaces standards and would not result in any materially harmful impacts to neighbouring residents amenity.

3.2.3 Overall it is considered that the benefits of the proposed development outweigh any harm and the proposal would represent sustainable development. Therefore, in accordance with the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) the application is recommended for approval subject to a S106 agreement to secure the affordable housing and Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) payment along with conditions as detailed in section 8 of this report.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Achieving sustainable development
- 8 Three objectives of sustainable development
- 10-12 The presumption in favour of sustainable development

- 38 Decision making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 59-66 Delivering a sufficient supply of homes
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Change
- E1 Employment
- E3 Community Services and Facilities
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Vehicle Parking Standards (VPS) SPD
- Maldon District Design Guide (MDDG) SPD
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- Affordable Housing
- Financial Contribution towards RAMS

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS). At present the Council can currently identify a 3.26 years supply of housing land.
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

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

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.”

Footnote 7 - 7 This 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 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.

- 5.1.6 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.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.’*
- 5.1.9 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. The proposed development would be constructed on a site that currently has outline permission for 1,000sqm of commercial/community uses and is also located within the settlement boundary of North Fambridge. Whilst North Fambridge has very limited services and facilities within the settlement (village hall, playing fields and nursery) it does benefit from a train station which is situated approximately 350 metres to the north of the application site. This train station offers hourly services from approximately 6 am until 11pm towards London (and also links more locally to South Woodham Ferrers and other localities).
- 5.1.10 It is therefore, considered that the principle of residential accommodation on this site is acceptable subject to compliance with other appropriate policies as considered below. It should be noted that this approach is consistent with decisions and appeals that were determined within the settlement of North Fambridge last time the Council did not have a 5YHLS. Furthermore, there has been an appeal allowed for a new dwelling outside of the settlement boundary of North Fambridge in 2019 when the Council was able to demonstrate a 5YHLS (reference OUT/MAL/18/00428) and whilst there were application specific material considerations in relation to this decision the Inspector did make the following comments in relation to locational sustainability:

“Whilst in policy terms the appeal site falls outside of the defined limits of North Fambridge, visually it appears to sit comfortably within the built limits of the village. Its close proximity to local services and transport links also makes it a reasonably sustainable location, which is part of the reasoning behind Policies S1, S2 and S8.”

- 5.1.11 In light of the above assessment it is therefore considered that the principle of residential development on this site is acceptable subject to compliance with other appropriate policies as considered below.

5.2 Loss of Commercial/Community Use

- 5.2.1 The application site relates to land that already benefits from outline planning consent under reference 14/01016/OUT for up to 1,000 sq m of flexible commercial and community space. This proposal would replace the 1,000 sq m of flexible commercial and community space with 12 residential dwellings and therefore LDP policies E1 and E3 are directly relevant to the consideration of this application.
- 5.2.2 LDP Policy E1 seeks to encourage employment generating developments and protect existing employment uses unless certain criteria are met. The policy states: *“Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
 - 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
 - 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.”*
- 5.2.3 LDP Policy E3 recognises that the District’s community services and facilities form an important component of urban and rural life in the District and that land and facilities providing community services are often under threat from proposals for alternative uses such as residential. The policy states: *“Where a proposal will result in the loss of community services or facilities an application will be required to demonstrate to the Council’s satisfaction that:*
- 1) The existing business/service is not and cannot be made viable; and*
 - 2) Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.”*
- 5.2.4 Whilst there is no physical existing employment or community use on the site this application would result in the erection of residential dwellings on land that had previously been granted consent for up to 1,000 sq m flexible commercial and community space as part of a larger development and it is therefore considered that policies E1 and E3 should be applied (in so far as they relate as there is no actual existing business or community use).
- 5.2.5 This current application has been supported by a marketing appraisal report dated 15 January 2021. This marketing report details the marketing campaign that has been undertaken in respect of the application site and the potential commercial/community uses consented under 14/01016/OUT. The report identifies the following:
- Marketing commenced in June 2017 and has continued in excess of 3 years.
 - Adverts have appeared in Essex Chronicle and Maldon and Burnham Standards.
 - Online marketing has taken place through a number of national commercial property websites (and site is still visibly marketed online at time of writing report).
 - Sales particulars were sent out in specific mail shots.

- Interest was sought from convenience store operators such as COOP and Nisa however the location of the proposed scheme was rejected due to their own understandings that the immediate population was too small to support their demographics.
- Further expressions of interest received over the years however none have progressed beyond expressions of interest or been viable propositions.

5.2.6 The marketing report submitted considers that: *“there is no sufficient appetite from local businesses and the current level of commercial space availability within the locality clearly does not support the need for further stock to be built in this location.”* Concluding *“current Government imposed restrictions of use due to effects of the Covid-19 pandemic are still having a negative affect on non retail establishments and retail outlets alike which is having a greater negative impact on current and very likely future demand for such uses.”*

5.2.7 The Council does not have a specific policy that relates to applications such as this. Policy E1 relates to encouragement of employment generating development and looks to support the long term growth. However, the general thrust of Policy E1 and sound planning judgement can be used to assess the application.

The Applicant has provided marketing that has been undertaken; it is considered to be comprehensive and of a significant duration, which would allow for any short-term fluctuations. The details submitted show there has been no viable interest in the site. Marketing has been undertaken for both freehold and leasehold interests. Whilst no price was shown on the marketing this was because the price would be dependent upon what the interested party would need to have developed on the site (size and specification). There has not been any level of interest shown in the property which advanced to the specific stage of product. It is noted that it would have been preferable to see marketing having been undertaken with at least a baseline land value shown (taking development values of similar sites for comparison), however it is considered that given the length of marketing undertaken, and the fact that any viable interest could have been progressed that overall the marketing that has been undertaken is sufficient to comply with LDP Policy E1 criterion 3.

The marketing undertaken has been considered acceptable in this instance as the application site is not a formally allocated employment site and no evidence was submitted with the original outline submission detailing the demand for the community/commercial uses. Furthermore, given the small scale of North Fambridge and the lack of passing trade it is considered that the demand for such commercial or community units would be lower than in other settlements within the District.

5.2.8 Notwithstanding the above, it must be noted that Policy E1 did not direct any form of commercial development to North Fambridge or generally through windfall developments and therefore, there was no evidence at the time of granting planning permission that there was a need for the space. Whilst, it is noted that no reserved matters applications have been submitted with the flexible approach to the application it is considered that it would be difficult to look to achieve a flexible development that would then be fit for purpose with an unknown proposed use.

On the basis of the above assessment it is considered that the marketing that has been undertaken in respect of the consented up to 1,000 sq m of flexible commercial and community space has been sufficient. Furthermore, the development would result in 12 additional residential dwellings on a site within the North Fambridge settlement boundary, within a reasonably sustainable location, which may otherwise be left vacant. It is therefore considered that there is no objection to the loss of the commercial/community use to the site.

5.3 Affordable Housing

- 5.3.1 This application is proposing the provision of 12 dwellings which triggers the requirements for Affordable Housing under Policy H1 of the Maldon District Approved Local Development Plan (MDLDP) 2014 - 2029.
- 5.3.2 The proposal triggers the 40% affordable housing requirement under policy H1 of the LDP. The affordable housing requirement on 12 units at 40% is 4.8 units. The scheme proposes that 5 of the 12 dwellings would be affordable dwellings which is a provision of 42% affordable housing. The five units would comprise of the following:
- 2 x 1 bedroom 2 person flats
 - 2 x 2 bedroom 4 person houses
 - 1 x 2 3 person bedroom flat
 - 3 units for affordable rent (2 x 1 bedroom 2 person flats and 1 x 2 bedroom 4 person dwelling)
 - 2 units for shared ownership (1 x 2 bedroom 3 person flat and 1 x 2 bedroom 4 person dwelling)
- 5.3.3 Strategic Housing have been consulted on this application and have advised that they support the application as the proposal is meeting the required number of affordable properties on the site as per Policy H1. Strategic Housing have also confirmed that the overall floor area and size of the affordable housing units proposed are acceptable as they meet Housing Quality Indicators (HQI) Standards in relation to unit sizes. HQI standards relate to 10 indicators that measure the quality of an affordable housing scheme. In relation to this development strategic housing contacted the Registered Social Landlord for the wider site who have confirmed that the units proposed are acceptable and would meet their requirements. The affordable housing units will be secured through a Section 106 legal agreement which the agent has confirmed is acceptable.

5.4 Housing Mix

- 5.4.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 which states 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'
- 5.4.2 LDP policy H2 on housing mix requires all development *"to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population"*. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 61 of the NPPF states that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...'*
- 5.4.3 The Council's updated SHMA, published in 2014, identifies that for all housing types one- and two-bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. The required ratio is for 60% of new housing to be for one or two-bedroom units and 40% for three bedrooms plus units.

5.4.4 The clarification to policy H2 details that ‘An appropriate mix of housing in new developments will help to enable a better flow of the existing housing stock. The Council will require new development to incorporate a range of different housing types which contribute towards meeting the identified housing needs for different demographic groups in the District. As recommended by the latest SHMA update, the Council will encourage a greater proportion of one- and two-bedroom properties to be developed to meet the demand for owner occupied and intermediate housing in the District.’

5.4.5 The applicant submits that the current application proposes the following overall housing mix:

- 3 x 4 bedroom units
- 7 x 2 bedroom units
- 2 x 1 bedroom units

5.4.6 The overall housing mix can be broken down as below in relation to market and affordable units:

	Market Housing	Affordable Housing	Total
1 bedroom unit		2	2
2 bedroom unit	4	3	7
4 bedroom unit	3		3
Total	7 units	5 units	12 units

5.4.7 The above mix would result in 60% of the units being smaller 1 and 2 bedroom properties and 40% larger 4 bedroom properties which is compliant with LDP Policy H2 and the SHMA. However, it should be noted that 3 of the 2 bedroom units (the market housing) contain a first floor study which would measure approximately 6 metres squared. This is below the standards set within the Technical housing standards – nationally described space standards to function as bedroom which is 7.5 metres squared for a single bedroom. It is acknowledged that the Council does not have a policy in relation to room sizes and has not adopted the Technical housing standards, however they are incorporated into a number of Supplementary Planning Documents (SPD's) such as the Affordable Housing and Viability SPD as well as the MDDG and are therefore relevant to the consideration of this application.

5.4.8 The applicant has advised that “Due to changes in the way we all work largely as a result of the Covid pandemic, we have sought to actively respond to market demand alongside comments made by other LPAs. DWH have witnessed a step change in prospective purchasers’ expectations of what a house should provide and this includes the ability to work flexibly from home. With regard to the Hadley house type, we have sought to be agile in our response to this demand which is why an office/study is being proposed on the first floor. By offering the room for this use, it opens up this 1,000sqft house type to a growing market sector who aspire to a home with a separate utility room, a master bedroom with en suite, a second double bedroom and then a separate room in which to work.

In this room we are proposing to provide additional ‘superfast’ fibre connection points and sockets to allow for a desk with multiple inputs to be set up. We are therefore purposefully setting the room up to be marketed and used as a study rather than a bedroom - which is entirely consistent with Government guidance and public demand.”

5.4.9 It is therefore considered that whilst it would not be possible or reasonable to restrict the use of this room to office/study purposes through a planning condition, they are

still 2 bedroom units as the additional room does not meet the technical standards for a third bedroom, although it is acknowledged that they may be used for that purpose. Even if the units were considered as 3 bedroom units the resulting overall housing mix would be 50 % larger 3 and 4 bedroom units and 50% smaller 1 and 2 bedroom units and would, on balance, be considered acceptable taking all material considerations into account.

- 5.4.10 Therefore, when considering the development as a whole, it would meet the Council's identified needs in relation to housing mix and would support the provision of mixed and balanced communities as required by the NPPF.

5.5 Design and Impact on the Character of the Area

- 5.5.1 Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.5.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.5.3 The application site is located within the settlement boundary of North Farnbridge and forms part of a larger development site where 75 dwellings are currently under construction. The erection of 12 residential dwellings on the site would therefore be viewed within the wider setting of the already consented residential development and would not appear out of character or result in any material harm to the wider setting of the site. The application site has already had outline consent granted for up to 1000 sq m of commercial/community use and the principle of built form on the site has been established.
- 5.5.4 The overall design of the dwellings are considered to be acceptable and would be commensurate in form and appearance to the wider development within which they are situated, and would be viewed. All dwellings located on corner plots have been designed with appropriate articulation and detailing to ensure interest to both street scene elevations. Plots 108 and 111/112 (which are located at either end of the eastern facing row of dwellings) would be finished in chalk render to create a visual 'book-end' to the proposals. The dwellings also feature similar architectural detailing to the wider site (including the use of bay windows) which will ensure that they appear in keeping with the wider site.
- 5.5.5 The development does include two 1 bedroom flats and one 2 bedroom flat, however these have been designed in such a way as to appear as a two storey dwelling and would therefore appear in keeping within the wider area whilst also providing an appropriate mix of housing within the development.
- 5.5.6 The proposed dwellings will utilise a mix of red and buff bricks with predominately grey roofs interwoven with elements of rustic red to soften the roof scape. This palette of materials and colours will create a cohesive addition to the wider scheme with the materials selected from the same palette approved for the wider site.

- 5.5.7 A previous application on this site was withdrawn, partially to address design issues and ensuring that effective use of the land was made. This application has addressed previous officer concerns with the scheme with the overall development of the site appearing more commensurate with the wider development in terms of density and built form.
- 5.5.8 Overall it is considered that the design approach taken is appropriate to the site and would result in a seamless addition to the wider development. The development would therefore accord with LDP policies, the MDDG and the guidance contained within the NPPF.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.6.2 There are residential dwellings currently under construction to the northern and western boundaries of the application site with a further residential dwelling (East View) located between 13 and 15 metres to the south of the application site boundary.
- 5.6.3 In terms of land use the proposal would result in a residential land use as opposed to a commercial/community land use which has already been granted. Given that the application site is located in an area characterised by residential dwellings it is considered that a residential use would not materially harm the amenities of the neighbouring residential occupiers, in terms of noise and disturbance.
- 5.6.4 The nearest residential dwelling to the application site that is not part of the wider development is East View which is located between 13 and 15 metres to the south of the application site and between 28 and 29 metres from the frontages of the proposed dwellings on plots 112, 113 and 114. There would be an access road, visitor parking and strip of soft landscaped amenity space between the proposed dwellings and the north facing flank elevation of East View. Given this degree of separation it is considered that the proposed development would not result in any materially harmful impacts towards the occupiers of this dwelling.
- 5.6.5 To the west of the application site are plots 63 – 71 of the wider consented site (14/01016/OUT and 19/00252/RES relate) and the proposed residential units would be positioned fronting onto these dwellings with the access road in between. There would be minimum building to building distances of 16 metres with any views from the proposed dwelling towards the public frontage of the existing consented plots. On this basis it is considered that the development would not result in any material loss of outlook, loss of light or loss of privacy towards future neighbouring occupiers.
- 5.6.6 To the north of the application site are plots 3 and 4 of the wider consented site (14/01016/OUT and 19/00252/RES relate) and the proposed residential units would be positioned between 14 and 18 metres away from these dwellings with the main access road into the development in between. Again given this separation distance, and that any views from the first floor windows would be towards the public frontage of the existing consented plots it is considered that the development would not result in any material loss of outlook, loss of light or loss of privacy towards future neighbouring occupiers.

- 5.6.7 In terms of internally within the proposed development the proposed residential units have all been positioned to ensure no material loss of privacy would occur towards future occupiers with most properties orientated flank to rear.
- 5.6.8 Overall it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with LDP Policy D1.

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to 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.
- 5.7.2 The application site benefits from existing vehicular access to Fambridge Road which has been constructed under consents 14/01016/OUT and 19/00252/RES. The principle of the vehicular access has already been established and outline consent previously granted for commercial/community use on the site which would have resulted in vehicular traffic.
- 5.7.3 The application has been supported by a transport statement technical note which considers the impact on the local highway network of the potential changes to the previously approved land usage. This transport statement for the original consent for 75 dwellings and 1000 sq m of flexible commercial/community uses concluded that:
- There will be one point of vehicular access into the site from Fambridge Road with 2.4 m x 70 m splays as requested by Essex County Council (ECC).
 - Traffic flows on Fambridge Road were light and the road could easily accommodate the additional traffic.
 - The development conformed to National Planning Policy as it is in an area accessible by sustainable modes of transport.
- 5.7.4 The technical note submitted with this application concludes that the conclusions drawn from the original transport statement for the wider development will not be affected by the proposed replacement of the commercial/community use with 12 additional residential units.
- 5.7.5 In terms of trip generation, the technical note states that: *"The proposed residential use at the site would generate fewer trips over the AM and PM peak periods than the consented commercial / business use. The comparison demonstrates that in the AM peak for the proposed residential development, there would be a reduction in 21 vehicular trips, and a reduction of 18 vehicular trips in the PM peak. The net reduction in the vehicular movements to and from the site as a result of the replacement land use will contribute to the overall reduction in the volume of traffic on the local highway network during the AM and PM peak hours."*
- 5.7.6 ECC Highways have been consulted on this application and advise that the proposal will not alter the approved site access junction with Fambridge Road and will result in a lower trip generation from the development. On this basis the proposal is not considered detrimental to highway safety, capacity or efficiency. ECC Highways therefore advise that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to appropriate conditions.

5.7.7 To meet the VPS the development would need to comply with the following residential standards:

- One bedroom dwelling: 1 off-street parking .
- Two and three bedroom dwelling: 2 off-street parking spaces.
- Four+ bedroom dwelling: 3 off-street parking spaces .
- Housing development for more than 10 dwellings should be served by 1 visitor parking per 4 dwellings.
- At least 1 home charging point per residential dwelling with off-street parking.

5.7.8 All proposed dwellings would meet the adopted parking requirements in terms of parking space provision. It is noted that some of the market dwellings would have garages, however these would meet the minimum internal dimensions requirements as set out in the VPS SPD (2018).

5.7.9 In relation to visitor parking 3 additional visitor parking spaces are proposed alongside the southern access road, with the six shown alongside the western access road already consented as part of the wider development. Cycle storage is also to be provided as well as 1 vehicle charging point to an allocated point for each dwelling.

5.7.10 Overall there is no objection to the proposal in terms of access, parking or highway safety subject to appropriate conditions.

5.8 Private Amenity Space and Landscaping

5.8.1 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. In addition, the adopted Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.8.2 All Proposed dwellings would meet the standards for private amenity space as set out in the MDDG with the majority of them exceeding the standards. In terms of outlook, ventilation and light, it is noted that all habitable rooms of all proposed types of dwellings would be served sufficient fenestration to secure the future occupants' living conditions.

5.8.3 In relation to landscaping the application has been supported by a landscape masterplan as well as a detailed soft landscaping plan. The submitted details show that the site would be well soft landscaped with evergreen hedges to define private curtilages, ornamental and native street trees, as well as mixed ornamental and herbaceous shrub planting to front gardens. Amenity grass areas will be planted with spring flowering bulbs for seasonal interest and ecological benefits. The proposed soft landscaping will soften the appearance of the development and assimilate well into the overall approved soft landscaping scheme for the wider development.

5.8.4 There is therefore no objection to the proposal in relation to private amenity space of soft landscaping as the development will provide appropriate level of private amenity space for each dwelling as well as soft landscaping to ensure the development complements the existing wider soft landscaping on the site and the public open space to the east.

5.9 Flood Risk and Drainage

Flood Risk

- 5.9.1 The area of the site where the 12 dwellings are proposed to be located lies within Flood Zone 1; however, the access to the site is located within Flood Zones 2 and 3.
- 5.9.2 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.9.3 Paragraph 158 states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*
- 5.9.4 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency (EA). Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.9.5 The proposed houses would be located in Flood Zone 1; however, consideration should be had to the ingress and egress point of the site, which sits in flood Zones 2 and 3. It is acknowledged that the residential development has been located in the part of the site that lies within the area of the lowest risk of flooding and for that reason, in this particular instance, it is considered unnecessary for the sequential test to be applied in a District wide level in terms of alternative sites in lower risk of flooding, given that the development (the dwellings) is located in such area.
- 5.9.6 Following the application of the Sequential Test, if not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. Whilst in this instance the development (the dwellings) would be located in Flood Zone 1, it is considered that all other considerations related to flood risk and the sustainability credentials and wider benefits of the proposal should be undertaken as part of the exception test.
- 5.9.7 In accordance with the NPPF in order for the Exception Test to be passed the following should be demonstrated:
- ‘a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’
- 5.9.8 The development would provide wider sustainability benefits to the community as it would result in the erection of 12 dwellings, with 40% affordable, in a relatively sustainable location, and of an appropriate mix, in flood zone 1, which will assist in delivering the housing that is required within the District.

- 5.9.9 A Flood Risk Assessment (FRA) accompanies this application and the EA has raised no objection to the development. The EA advises that: *“Finished ground floor levels have been proposed at 5.53m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change of 5.32 m AOD and therefore dry in this event.”* And *“There is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.45 m AOD. Ground floor finished floor levels at 5.53, are set above this flood level.”*
- 5.9.10 With regard to the access of the site, the vehicular access is located within Flood zones 2 and 3 and therefore this proposal does not have a safe means of vehicular access in the event of flooding from all new buildings to an area wholly outside the floodplain. However, there is pedestrian access/egress to the west of the site that is located outside of Flood zones 2 and 3. The FRA submitted with the application recommended that future users of the site ensure they are registered with the EA's Flood Warning system to provide adequate forewarning in the event of a predicted flood in the neighbourhood. This can be dealt with via a condition.

Surface Water Drainage

- 5.9.11 In relation to surface water drainage the application has been supported by a Drainage Statement as well as a Drainage technical Note and detailed layout plans. The submitted drainage statement concludes that in terms of surface water drainage the proposal will provide a betterment as there will be a reduction in the size of impermeable built form compared to the consented 1000 sq m of commercial/community uses. This therefore results in a reduction in the runoff rates and the storage required within the site to attenuate surface water flows.
- 5.9.12 The detailed submitted surface water strategy details that the surface water strategy for this development will integrate into the overall drainage strategy for the wider site and will connect into the surface water network that was designed in accordance with the original strategy. Attenuation is used to achieve greenfield run off rates and this is to be provided with a geocellular storage system. Furthermore, permeable paving is to be used for all driveways.
- 5.9.13 The Lead Local Flood Authority (ECC Suds Team) have been consulted on this application and have confirmed that they have no objection to the proposed development subject to a condition requiring yearly logs of the maintenance of the Suds (which should be carried out in accordance with the SuDS Maintenance and Management schedule contained within the Drainage Statement).

Foul Drainage

- 5.9.14 At the time that the original outline consent for the wider development was granted there was insufficient capacity within the foul drainage network for any additional dwellings. The original outline consent granted for the wider scheme therefore had a condition attached to it which amongst other elements ensured that no dwellings could be occupied until confirmation is obtained of available permitted capacity in the network and at the treatment works.
- 5.9.15 In order to address capacity issues the applicant worked with Anglian Water to find a foul and wastewater strategy to serve the development. The foul and wastewater drainage strategy direct flows to the sewerage network draining to the South Woodham Ferrers WRC via a new rising main. Confirmation has been submitted detailing that the new rising main is in position and taking foul water from the development. The proposed dwellings will connect into this system with all foul water

drainage draining to the South Woodham Ferrers WRC. Anglian Water have been consulted on this application and have confirmed that:

"The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre that will have available capacity for these flows."

- 5.9.16 On the basis of the above assessment the foul drainage to serve the development is considered to be acceptable.

5.10 Ecology

- 5.10.1 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."* Furthermore paragraph 175 of the NPPF states that *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*

- 5.10.2 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

- 5.10.3 Policy N2 of the LDP states that:

"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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."

- 5.10.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.10.5 The application has been supported by a Ecology Walkover Letter (JBA, January 2020) a Landscape Masterplan (JBA, February 2020) and an Addendum to the Ecological Walkover Letter (JBA, May 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. The application site already has had the principle of commercial/community use established. The site habitats comprise poor semi-improved grassland with tall ruderals. The ecological walkover survey was undertaken in January 2020 which found no constraints to the development and concluded that the habitats on site were of low value for ecology. A previous preliminary ecological appraisal was conducted in 2014 by t4 ecology ltd stating no major ecological constraints for the site. A badger survey was also conducted by in 2018 which found no evidence of the species.

- 5.10.6 The Council's ecology consultant has been consulted on this application and have advised that there is sufficient ecological information available for determination of the application. They advise that this provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable in ecological terms.

5.10.7 Appropriate mitigation measures which include bird and bat boxes, the incorporation of native and/or wildlife attracting trees, shrubs and wildflower areas as well as 'hedgehog links' at the base of garden fences can be secured through a condition.

5.10.8 The application site is within approximately 180m of the Crouch and Roach Estuaries SPA and Ramsar site and therefore a bespoke Habitats Regulations Assessment (HRA) is required to be undertaken by the LPA. Given the proximity of the development to the designated site, all impacts from the construction and operational phase of the development on the designated site has to be considered.

5.10.9 Impact upon Designated Sites

5.10.10 As the proposed development affects a European protected site which is a Special Protection Area (SPA) and a Ramsar wetland, the LPA needs to carry out a HRA. The information provided by the applicant is used to undertake this assessment.

5.10.11 The application site already has consent granted for the principle of commercial/community use development and this was considered under the HRA undertaken for the original outline consent (14/01016/OUT). In relation to the construction phase of the development now sought this would not be materially different to the construction phase for the commercial/community use and it is not considered this would have a Likely Significant Effect (LSE) on the European sites.

5.10.12 The 12 residential dwellings would intensify the use of the site and therefore has the potential, without mitigation, to have a LSE on the European sites which would mainly be through recreation disturbance.

5.10.13 The proposed development is of a small scale and the direct disturbance caused by the development would be relatively limited, however there is already a high level of human activity and associated disturbance to the European sites.

5.10.14 When the development is considered in combination with the existing levels of disturbance already caused by existing developments in the area and the increased visitor pressure on the area from new housing developments it must be considered to have a LSE when viewed in combination with other developments.

5.10.15 Therefore, the proposed development has the potential, in the absence of mitigation, to result in significant adverse effects on the Crouch and Roach Estuaries European designated sites when considered in combination with other developments.

5.10.16 In terms of mitigation the addendum to the ecological letter advises that the proposed masterplan for the site as a whole shows two main areas of public open space within the site along with an area of landscaping along the western and northern boundary, all of which will be accessible by the public, and which in total comprises at least 2 hectares. Furthermore, to reduce the numbers of residents driving to designated sites for recreation purposes on a regular basis including to walk their dogs, the development will provide facilities which are attractive to residents seeking a local walk. The layout of the housing provides suitable circular walks within the open greenspace and developed areas. In addition, a 1.4km off site permissive footpath is to be created around the perimeter of adjacent agricultural land under the legal agreement attached to OUT/MAL/14/01016. This footpath will be easily accessible through the adjacent development and for the residents of these additional 12 dwellings.

5.10.17 On top of the green infrastructure detailed above and the footpath the development is located within the Zone of Influence (ZOI) for the Essex Coast RAMS a financial

contribution of £127.30 per dwelling (£1,527.60 total) will be secured from the applicant under a legal agreement.

- 5.10.18 Provided this mitigation measure is carried out, it can be concluded that reasonable measures have been taken to address the potential impact of the proposed development on the integrity of the relevant European sites. The green infrastructure has already been secured and the agent has agreed to the financial contribution to the Essex Coast RAMS which will be dealt with via a S106 legal agreement.
- 5.10.19 Natural England (NE) have been consulted on the application and have raised no objection to the proposal subject to securing the appropriate mitigation.
- 5.10.20 Having considered the proposed avoidance and mitigation measures above, it is considered that with mitigation the project will not have an Adverse Effect on the Integrity of the adjacent European Designated sites.
- 5.10.21 Overall it is considered that subject to conditions, the proposed development would be acceptable in terms of nature conservation and biodiversity in accordance with LDP policies as well as the NPPF.

5.11 Other Material Considerations

Heritage Assets

- 5.11.1 The nearest heritage asset to the site is Smuggler's Cottage which is located approximately 70 metres to the north of the vehicular access to the site. This property is on the List of Local Heritage Assets in North Fambridge, which was formally adopted by Maldon District Council (MDC) on the 6th of June 2019.
- 5.11.2 The proposed development has the potential to affect the setting of Smuggler's Cottage. However, the Council's Conservation and Heritage Specialist advises that the proposal for 12 dwellings will not cause any harm to the setting or significance of the locally listed building. This mainly is because of the considerable distance which separates the application site from the non-designated heritage asset.
- 5.11.3 The proposal therefore poses no conflict with the requirements of policy D3 of the Maldon LDP or policy 197 of the NPPF.

Conditions

- 5.11.4 A number of conditions have been recommended (as detailed in section 8 of this report). There are no pre-commencement conditions as the agent submitted all documents that are normally dealt with via pre-commencement conditions as part of this application.

6. ANY RELEVANT SITE HISTORY

(Relating to the application site and wider development site incorporating the 75 dwellings.)

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace and a 1.8ha village green and public open space. Refused - 11.08.2014.
- **OUT/MAL/14/01016** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible

commercial and community floorspace, a 1.8ha village green and public open space. Approved Subject to S106 - 18.03.2016.

- **RES/MAL/17/00776** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 06.02.2018.
- **DET/MAL/17/05154** - Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 5 - Materials. Condition 6 - Treatment boundaries. Condition 8 - Trees. Condition 9 - Hedges. Condition 10 - Ecology Report. Condition 12 - Surface water drainage system. Condition 13 - Foul and surface water drainage system. Condition 14 - Visibility splays. Condition 17 - Surface water. Condition 18 - Finished ground and floor levels. Conditions 19 - On-site construction management plan. Condition 21 - Reptile mitigation strategy. Condition 22 - Mitigation and management strategy. Condition 23 - Archaeological assessment. Condition 24 - Programme of archaeological work. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Part Approved Part Refused - 15.05.2018 – Allowed on Appeal.
- **DET/MAL/18/05041** - Compliance with conditions notification RES/MAL/17/00766 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Refused - 15.05.2018.
- **DET/MAL/18/05050** - Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8 ha village green and public open space) Condition 20 - Lighting strategy. Approved - 11.07.2018.
- **DET/MAL/18/05091** - Compliance with conditions notification of application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 12 - Surface water drainage system maintenance. Condition 13 - Foul and surface water drainage scheme. Condition 17 - Discharge of surface water onto highway. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Refused - 07.08.2018.
- **DET/MAL/18/05119** - Compliance of conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 25 - Risk assessment. Condition 26 - Detailed remediation scheme. Condition 27 - Remediation scheme commencement. Approved - 17.09.2018.
- **DET/MAL/18/05130** - Compliance with conditions notification RES/MAL/17/00776 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application

OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Approved - 18.10.2018.

- **RES/MAL/19/00252** - Reserved matters application for the approval of appearance, landscaping, layout & scale for approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sqm of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 29.05.2019.
- **DET/MAL/19/05033** - Compliance with conditions notification of approved application OUT/MAL/14/01016 Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space. Condition 5 materials. Condition 6 treatment boundaries. Condition 7 hard and soft landscape. Condition 8 tree survey. Condition 9 arboricultural method statement. Condition 16 car parking. Condition 19 construction management plan. Approved - 27.06.2019.
- **19/05116/DET** - Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 Wastewater strategy. Condition 33 - Foul water strategy. – Approved - 08.11.2019
- **20/01233/FUL** - Application for a temporary sales area with associated landscaping, parking and entrance features for the period December 2020 - December 2022 – Approved – 22.02.2021

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	The Parish Council has no objections to this application on planning terms. However, we would like to make a comment on the continuing incorrect assertion that the village has a bus service. The village has a fortnightly bus to Chelmsford and a weekly shoppers bus to South Woodham Ferrers only.	Noted. Locational sustainability issues are covered in section 5.1 of the main report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre that will have available capacity for these flows.	Noted and referenced in section 5.9.
ECC Highways	<p>As far as can be determined from the details submitted, the proposal will alter the existing permitted use for 1000m² of commercial / business space under planning permission OUT/MAL/14/01016 to 12 residential units. The proposal will not alter the approved site access junction with Fambridge Road and will result in a lower trip generation from the development.</p> <p>The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, therefore From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.</p>	Noted and covered within the main report section 5.7.
ECC Suds (Lead Local Flood Authority)	<p><u>First Response</u></p> <p>Issued a holding objection based on the following:</p> <ul style="list-style-type: none"> • Construction drawings need to be provided for the elements of the surface water drainage system • Exceedance routes need to be provided <p><u>Second Response</u></p> <p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to a</p>	<p>Noted and required information was submitted.</p> <p>Noted and covered in section 5.9 of report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	condition relating to the maintenance of the suds.	
Essex County Fire and Rescue Service	<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>	Noted.
Environment Agency	No objection to the proposal providing that LPA has taken into account the flood risk considerations.	Noted and covered in section 5.9 of report.
Place Services - Ecology	<p><u>First Response</u></p> <p>Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Special Protection Area and Ramsar site)</p> <p><u>Second Response</u></p> <p>No objection subject to securing biodiversity mitigation and enhancement measures.</p> <p>We note that this application is part of a wider development site, under 14/01016/OUT and 19/00252/RES and this application is for a change of use of 0.6ha of this site from commercial to residential development.</p> <p>We are now satisfied that there is sufficient ecological information available for determination.</p> <p>This provides certainty for the LPA of the likely impacts on</p>	<p>Noted and required information was submitted.</p> <p>Noted and covered in section 5.10 of report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p> <p>The mitigation measures identified in the Addendum to the Ecological Walkover Letter (JBA, May 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.</p>	
Natural England	<p>It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.</p> <p>We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must</p>	Noted and covered in section 5.10 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>The nearest heritage asset to the site is Smuggler's Cottage. This property is on the List of Local Heritage Assets in North Fambridge, which was formally adopted by Maldon District Council on the 6th of June 2019.</p> <p>The proposed development has the potential to affect the setting of Smuggler's Cottage. However, having studied the submitted plans, I advise that the proposal for 12 dwellings will not cause any harm to the setting or significance of the locally listed building. This mainly is because of the considerable distance which separates the application site from the non-designated heritage asset.</p> <p>The proposal poses no conflict with the requirements of policy D3 of the Maldon LDP or policy 197 of the NPPF. For this reason I raise no objection to the approval of the application.</p>	Noted.
Environmental Health	<p>It would appear that satisfactory provision can be made for foul drainage, but I would suggest a foul water condition.</p> <p>In accordance with the recommendations set out in the Site Investigation Report , October 2017 the revised conceptual model indicates a</p>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>presence of water soluble sulphate which can significantly attack buried concrete. A remedial strategy should be identified and approved with the relevant Building Control Officer.</p> <p>If ground conditions should differ significantly from those encountered during the intrusive investigation, including the discovery of any visible or odorous contamination, site redevelopment works should be suspended until the suspect material has been inspected and assessed by a competent Geo-Environmental Engineer. Details of any such discovery should be submitted to the Local Planning Authority for consideration.</p> <p>A construction management plan has been provided, project no.H7408 July 2020, Revision C20.012021. A condition should be applied to ensure it is adhered to.</p>	
Planning Policy Team	<p>No objection to the proposal subject to specified planning conditions being applied to any grant of permission. Raises a concern over loss of the commercial site and recommends submission of evidence to make sure the marketing was undertaken and that there were no buyers of interest.</p> <p>The District does not have a 5-year supply of housing and 12 homes delivering 41% affordable housing on a site very near a train station and near to services and facilities in South Woodham Ferrers being only 5.2m away and Maldon being 6.8m would assist in boosting the supply of housing in conformity with the NPPF.</p>	Noted and covered in sections 5.1 and 5.2 of the report.
Strategic Housing	The Full Planning Application is proposing the development of 12 No dwellings with associated	Noted and covered in section 5.3 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>details for access, appearance, landscaping, layout and scale, which triggers 40% affordable housing requirement under Policy H1 of the Approved Local Development Plan 2014-2029.</p> <p>The Applicant is proposing the following affordable properties - Affordable Rented 1 x 2 bed house, 69.6 sqm 1 x 1 bed flat, 50.1 sqm 1 x 1 bed flat, 52sqm</p> <p>Intermediate affordable 1 x 2 bed house, 69.6sqm 1 x 2 bed flat over garage, 65.4sqm</p> <p>The Applicant is meeting the required number of affordable properties as per Policy H1, and as such Strategic Housing Services supports this Application.</p> <p>Strategic Housing have confirmed that the properties meet HQI Standards and are acceptable in terms of overall size.</p>	

7.4 Representations received from Interested Parties

- 7.4.1 **6** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
A number of houses have already been granted permission in the village already and any more development will only hinder this village with further traffic and noise.	Traffic movements are considered in section 5.7 of the report and would be less than the commercial/community uses previously granted.
The houses are also not needed as Maldon District Council already has a five-year land supply and this is a new green field development.	Please see section 5.1 of the report.
Village unable to cope with existing new houses being built.	Please see section 5.1 of the report.
There is only one road in and out of the village and the 12 houses will generate additional traffic and congestion particularly at the entrance to the village making accidents more likely.	Traffic movements are considered in section 5.7 of the report and would be less than the commercial/community uses previously granted.

Objection Comment	Officer Response
The shops planned would be more useful to the village as would a doctors surgery – if no uptake then nothing should be put there.	Please see section 5.2 of the report.
Although no sufficient interest has been shown in the commercial/community site thus far, the option for it to be developed to support jobs or community uses in the village should remain, especially given the huge changes that society has undergone as a result of the coronavirus pandemic.	Please see section 5.2 of the report.
The provision of community/commercial space in the original plans was used to justify the wider development, which sits outside of the village footprint in an area in which development was previously prohibited, and the status of this land should not be retrospectively altered.	Please see section 5.2 of the report.
No infrastructure upgrades to benefit the village have resulted from the new developments.	Noted. This application is proposing 40% affordable housing and RAMs payment. No additional infrastructure has been highlighted as a requirement of the development.
Many villagers that have lived here for years are now experiencing flooding around the new housing estate.	Noted. Please refer to section 5.9 of the report.
Over the 2020/21 winter the new 75 house development, although still under construction, has already caused surface water flooding to existing housing and on the Fambridge Road in the village.	Noted. Please refer to section 5.9 of the report.
Transport statement details in relation to the bus service is inaccurate.	Noted.
The only buses that service the village are a fortnightly bus to Chelmsford, a weekly shoppers bus to South Woodham Ferrers and school buses.	Noted. It is acknowledged in the report that the site is within a reasonably sustainable location with limited facilities and services in the village. However, the train station offers good public transport links.
Trains are every 40 minutes and outside of peak hours, evenings and weekends passengers must change at Wickford. After about 11pm trains stop.	Noted.
No one cycles anywhere outside of the village because the roads are so dangerous and fast.	Noted.
Refers to Natural England comments and urge the council to start taking a rather longer-term view on this point.	Noted. Please refer to section 5.10 of the report.

8. **PROPOSED CONDITIONS AND HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

APPROVE subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to require the following planning obligations:

- Affordable Housing (5 units - 41.7 %)
- Financial Contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: H7408-3B-DE-611 Rev P1, H7408-3B-DE-621 Rev P1, H7408-3B-DE-622 Rev P1, H7408-3B-SO-625 Rev P1, H7408-3B-SP-600 Rev P1, H7408-3B-SP-610 Rev P1, H7408-3B-SP-620 Rev P1, H7408-3A-SP-001 Rev A, H7408-3A-SP-002, H7408-3A-SP-003, H7408-3A-SP-004, H7408-3A-SP-005, H7408-3A-SP-006, H7408-3A-SP-007, H7408-3A-SP-008, H7408-3A-SP-009, H7408-3A-SP-010, H7408-3A-SS-001 Rev A, JBA17 005-10 Rev D, JBA17/005-SK02 Rev B, Cycle-2A-CS-001 Rev A, 890372 RSK C ALL 02 01 01 Rev P04, 890372 RSK C ALL 04 01 01 Rev P04, 890372 RSK C ALL 05 01 01 Rev P04, 890372 RSK C ALL 05 02 01 Rev P05, 890372 RSK C ALL 06 01 01 Rev P04, B7X3DG-EL, B7X3DG1-FP, B7X3DG2-FP, H436-ELR, H436-FL, H469-EL, H469-FL, H421-EL, H421-FP, P341-BW-EL, P341-BW-FL, P204-FP-EL, SH50-FP-EL, SF58/59-FP-EL-DET, SH73-EL, SH73-FP.

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

- 3 The materials used in the external construction of the development hereby approved shall be as set out within the application form and plans

REASON: To ensure the appropriate appearance of the development in the interest of the character and appearance of the area and wider development in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on plan references JBA17 005-10 Rev D and JBA17/005-SK02 Rev B and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 5 Prior to the first occupation of the development hereby permitted the hard landscape works and boundary treatments as shown on plan reference H7408-3A-SP-008 shall be carried out and retained as such thereafter.

REASON: In the interest of the character and appearance of the area as well as to ensure privacy for future residents in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 6 The foul drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020 with foul drainage connecting to the new rising main to be discharged at South Woodham Ferrers treatment works.

REASON: To ensure appropriate foul drainage for the development in accordance with policies D2 and D5 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 7 The surface water drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 8 The applicant or any successor in title must maintain yearly logs of the maintenance of the SuDS system which should be carried out in accordance with any approved Maintenance Plan (appendix F of the Drainage Statement – 890372-R1(3) dated February 2020). These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision C dated 20.01.2021 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise disruption caused during construction works and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 10 Prior to first occupation of the development, and as shown in principle on planning drawing H7408-3A-SP-002. Each vehicular access shall be constructed at right angles to the highway boundary and to the proposed carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy T1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 11 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing H7408-3A-SP-002. Each parking space shall have dimensions in accordance with current parking standards. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking areas shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with the adopted vehicle

- parking standards and policy D1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 12 Prior to first occupation of the development, the cycle parking as shown on plan references H7408-3A-SP-005 and CYCLE-2A-CS-001 shall be provided. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with the adopted vehicle parking standards and policy D1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 14 There shall be no discharge of surface water onto the Highway.
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 15 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 16 The development shall be carried out to ensure that all mitigation and enhancement measures as detailed in the Ecology Walkover Letter (JBA, January 2020) and the Landscape Masterplan (JBA, February 2020) and the Addendum to the Ecological Walkover Letter (JBA, May 2021) are carried out.

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 and enhance 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 (Priority habitats & species) in accordance with policies N1 and N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 17 There shall be no external lighting of the development unless otherwise agreed in writing by the local planning authority.
REASON: To ensure the development is appropriate to the locality which is and would not result in any harm to biodiversity in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 18 No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.
REASON: To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the approved Maldon District Local Development Plan.

INFORMATIVES

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org