

12 August 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;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 20 AUGUST 2025 at 7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will 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 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 V J Bell
VICE-CHAIRPERSON	Councillor A Fittock
COUNCILLORS	M G Bassenger D O Bown A S Fluker L J Haywood W J Laybourn M G Neall R G Pratt U C G Siddall-Norman W Stamp, CC



AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 20 AUGUST 2025

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 23 July 2025, (copy enclosed).

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. **25/00042/FUL, 14, Southminster Road, Tillingham** (Pages 11 - 32)

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

6. **25/00301/FUL, Land Adjacent The Old Post Office, Main Road, Mundon, Essex**
(Pages 33 - 52)

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

7. **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.5 and 6.
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.

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

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

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)
- [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](#).



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
23 JULY 2025**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall, U C G Siddall-Norman and W Stamp, CC

132. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

133. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger and R G Pratt.

134. MINUTES OF THE LAST MEETING

The Chairperson advised that the Minutes of the last meeting had been circulated as a supplementary pack prior to the meeting.

RESOLVED that the Minutes of the meeting of the Committee held on 25 June 2025 be approved and confirmed.

135. DISCLOSURE OF INTEREST

There were none.

**136. 24/00947/FUL (PD), LAND WEST OF THATCHED COTTAGE GREEN LANE
BURNHAM-ON-CROUCH ESSEX**

Application Number	24/00947/FUL
Location	Land West of Thatched Cottage Green Lane Burnham-On-Crouch Essex
Proposal	Erection of 3 no detached dwellings with garages
Applicant	Penny Homes Ltd
Agent	Andrew Pipe Associates
Target Decision Date	31.07.2025
Case Officer	Patrick Daly

Parish	Burnham-on-crouch
Reason for Referral to the Committee / Council	Departure from the Local Plan Member Call-in by Councillor W Stamp CC for the Housing Mix (Policy H2) and Outside of Settlement Boundary (Policy S8)

Prior to the Officer presentation they clarified that the report should say Mangapp Chase not Mangapp Close and reference to the Stoney Hills settlement boundary should be Burnham-on-Crouch settlement boundary. This was duly noted.

Following the Officers presentation Mrs Sadler an objector addressed the Committee.

During the lengthy debate that ensued, a number of Members commented on the application and particular concerns relating to the following areas were raised:

- a lack of footpaths and street lighting in the area
- highways issues including the speed limit on Green Lane adjacent to the site leading to accidents and incidents
- the affordability of the proposed housing
- the lack of an arboricultural impact assessment mentioned by some statutory consultees
- the development breaching the character and beauty of the surrounding area
- the development being an incongruous form of development in relation to its surrounding.

Councillor W Stamp proposed that the Committee reject the Officer recommendation and refuse this application. This was duly seconded.

In response, the Development Management Team Manager provided the following information:

- In terms of Planning Policy, as the Council didn't have a Five-Year Housing Land Supply the titled balance would be engaged.
- In terms of planning balance, Officers had recognised there would be new houses but given the scale of the development this was given minimum weight.
- An arboricultural impact assessment was not a requirement that had to be submitted with an application, however in this case as the agricultural consultant has identified there was a need this could be satisfied by a condition.

In response to a request for clarification on the reasons for refusal Members discussed these as well as the relevant policies. The Officer provided guidance advising that issues raised in terms of location, design, height, layout and the combined incongruous form of development in that location could form a reason for refusal in terms of Policies S1, S8, D1 and H4. In terms of comments regarding location, she suggested a reason relating to the inaccessible location due to the narrow road, being unlit, no footways and therefore poor access to public services so occupants would be reliant on a car. A Member mentioned the national speed limit in terms of the unlit narrow road being in a 60 mile per hour zone and this was noted.

Following further discussion and questions from Members, the Officer suggested a third reason for refusal relating to Policy H2, having a suitable housing mix, the Local Housing Needs Assessment and not meeting the greatest need because the Council already had provision for large homes.

The Chairperson then put the proposal to refuse the application to the Committee, subject to the three reasons for refusal discussed (the detail to be agreed in consultation with the Chairperson outside of the meeting). Upon a vote being taken this was agreed.

RESOLVED that the application be **REFUSED** for the following reasons

“

1. The site is outside of a defined settlement boundary and is in open countryside. The site is in a poorly accessible location due it being on a narrow, unlit lane, with no footway and the national speed limit of 60mph. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, as such the proposal does not provide a sustainable form of development. The proposal is therefore contrary to Policies S1, S2, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework.
2. The site is within a rural location which provides an important green break between settlement boundaries. The proposed development, by virtue of its design, height and layout, results in an incongruous form of development that is out of keeping with the character and appearance of the surrounding area. The development would therefore be unacceptable and contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the objectives of the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework.
3. Policy H2 of the Maldon District Design Guide (2017) requires all developments to provide a suitable mix and range of housing. The proposal provides for three no. four bedroom properties. The provision of solely larger homes does not meet the District's identified housing need as set out in the Local Housing Area Needs Assessment which established that there is the greatest need for smaller dwellings. The development would therefore be unacceptable and contrary to Policy H2 of the Maldon District Local Development Plan (2017) and the policies and guidance in the National Planning Policy Framework specifically paragraph 61.

In response to a query regarding whether the constitutional brake should be applied, the Chairperson clarified that this would not apply because Officers felt they had defensible reasons for refusal.

There being no other items of business the Chairperson closed the meeting at 8.18 pm.

V J BELL
CHAIRPERSON

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 AUGUST 2025**

Application Number	25/00042/FUL
Location	14 Southminster Road, Tillingham
Proposal	Planning application for the demolition of existing bungalow and erection of two dwellings
Applicant	Fincham
Agent	Church and Green Planning and Design Consultants
Target Decision Date	20.08.2025 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Departure from the local plan

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.

2. SITE MAP

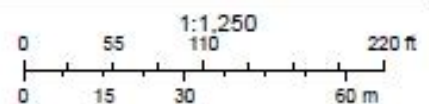
Please see below.

25/00042/FUL



8/5/2025, 1:47:59 PM

- GMS BLPV Points
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the northern side of Southminster Road, to the southern end of the village of Tillingham, outside of the settlement boundary. The site is currently occupied by a three bedroom bungalow, which is accessed from Southminster Road to the south, with a small rear garden and front driveway.
- 3.1.2 The wider rear garden, originally associated with the property (to the north of the application site), is currently under development following outline planning permission for 7 new dwellings, granted at appeal in 2023 (application ref 22/00514/OUT, reserved matters ref 23/01085/RES). A further recent residential development can be found to the east of the site at Southfields. To the west of the site lies a large detached residential property with detached garage.
- 3.1.3 Due to the level of surrounding residential development, the application site is considered to be semi-rural in character – with the wider surrounding area of open agricultural fields to the west and south appearing much more rural in character by comparison.

The Proposal

- 3.1.4 Planning permission is sought for the demolition of the existing bungalow and the construction of 2 no. 2 storey, 3-bedroom detached dwellings, with associated landscaping and parking.
- 3.1.5 The application drawings, as originally submitted, proposed the creation of two dwellings, accessed from the western site access road and aligning with the new development to the north of the site. Following discussions with officers during the course of the application, the scheme has been amended to re-position the proposed dwellings to face Southminster Road, with a separate driveway and parking area.
- 3.1.6 The proposed dwellings are detached 3-bedroom properties designed to match that already approved to the northern end of the adjoining development both in terms of form and materials. The dwellings would be arranged over two storeys, with a hipped roof and gable front, finished in weatherboarding, similar to those present along Southfields to the east.
- 3.1.7 The properties are accessed via a shared driveway which links to the access already serving the development of seven dwellings to the north. The additional driveway and parking area is designed to mirror that of the adjoining hammerhead to the end of Southfields.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, as set out within this report, the principle of development of the wider site for residential use has been established with the grant of permission at appeal (application ref 22/00514/OUT) where the Inspector considered the site to be sustainable and therefore acceptable for residential development. The addition of a single dwelling to the overall scheme would not significantly alter the character of the overall development, particularly given the relative similarities of the proposed dwellings to those already approved to the north

as well as those constructed at the adjacent Southfields, for these reasons it is considered that the principle of development is acceptable.

- 3.2.2 The design and siting of the dwellings, following amendments to the scheme, would be considered acceptable and would comprise sensitive development along this frontage. It is considered that the re-positioned dwellings would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to details being provided by way of planning conditions.
- 3.2.3 The proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended for approval.

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 – 57 Planning conditions and obligations
- 82 – 84 Rural Housing
- 108 – 111 Promoting sustainable transport
- 119 -123 Making effective use of land
- 126 – 136 Achieving well designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving 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 & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

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 Policy S8 of the LDP states that the Council will support sustainable development within the defined settlement boundaries. Tillingham is defined as a 'main settlement'. 'Main settlements' are defined as "settlements with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links".

5.1.3 Policy H4 of the LDP states that backland and infill development will be permitted providing all of the criteria of the policy that refers to backland development are met (1, 2, 3 and 4). The Policy reads as follows:

"Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:

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

5.1.4 The site in this case is surrounded on three sides by existing residential development, therefore presenting an opportunity for redevelopment subject to appropriate design and compliance with other Development Plan policies. The creation of two dwellings in lieu of a single dwelling is considered unlikely to result in any harmful impacts upon the amenity of existing and future occupiers (see section 5.3 below).

5.1.5 Additionally, considerable weight is given to the outline planning permission granted at appeal for the wider site (application ref 22/00514/OUT), wherein the Planning Inspector considered the site to be appropriate for residential development. Reserved

matters for the appeal scheme were approved under application ref 23/01085/RES and the development is currently under construction.

- 5.1.6 Overall it is considered that the principle of development is acceptable, subject to compliance with the other relevant development plan policies and guidance.

5.2 Housing Need and Supply

- 5.2.1 On 12 December 2024 the Government published an amended version of the National Planning Policy Framework. Paragraph 231 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.2.2 Paragraph 78 of the Framework states that, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land.”

- 5.2.3 Footnote 39 of Paragraph 78 states; “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance.”

- 5.2.4 Maldon District Council had prepared and published a Five-Year Housing Land Availability Report on 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it took effect on 12 December 2024 and there is no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in National Planning Policy Guidance. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must also put a 5% buffer onto the 5-Year Housing Land Supply (5YHLS). The overall effect of these changes means that the 5-year supply for Maldon District now stands at 2.70 years.

- 5.2.5 This means that Paragraph 11d of the NPPF as revised, otherwise known as the ‘tilted balance’ is engaged which states:

“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 strong reason for refusing the development proposed;*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing*

well-designed places and providing affordable homes, individually or in combination.”

5.2.6 Footnote 8 also states.

“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 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

5.2.7 In summary, if the Development Plan is more than five years old, and the Council cannot demonstrate a 5YHLS, the balance tilts more in favour of approving development which is sustainable, makes efficient use of land, provides affordable housing and / or is well designed. However, planning policies in the local plan should not be treated as out of date just because they predate the new NPPF such policies should be considered in light of their consistency with the revised framework.

Housing Provision and Mix

5.2.8 The NPPF is clear the housing should be provided to meet an identified need. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.

5.2.9 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing 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.

5.2.10 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedrooms, 25-35% two-bedrooms, 40-50% three-bedrooms and 15-25% for 4+ bedroom market dwellings.

5.2.11 The proposal would provide for two 3-bedroom dwellings (in lieu of an existing 3-bedroom dwelling) – the largest requirement category. Whilst this is considered a benefit, given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.2.12 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LDP, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. Taking this into account and giving significant weight to the recent appeal decision on the wider site, where the principle of development was accepted, no objection is raised. .

5.3 Design and Impact on the Character of the Area

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

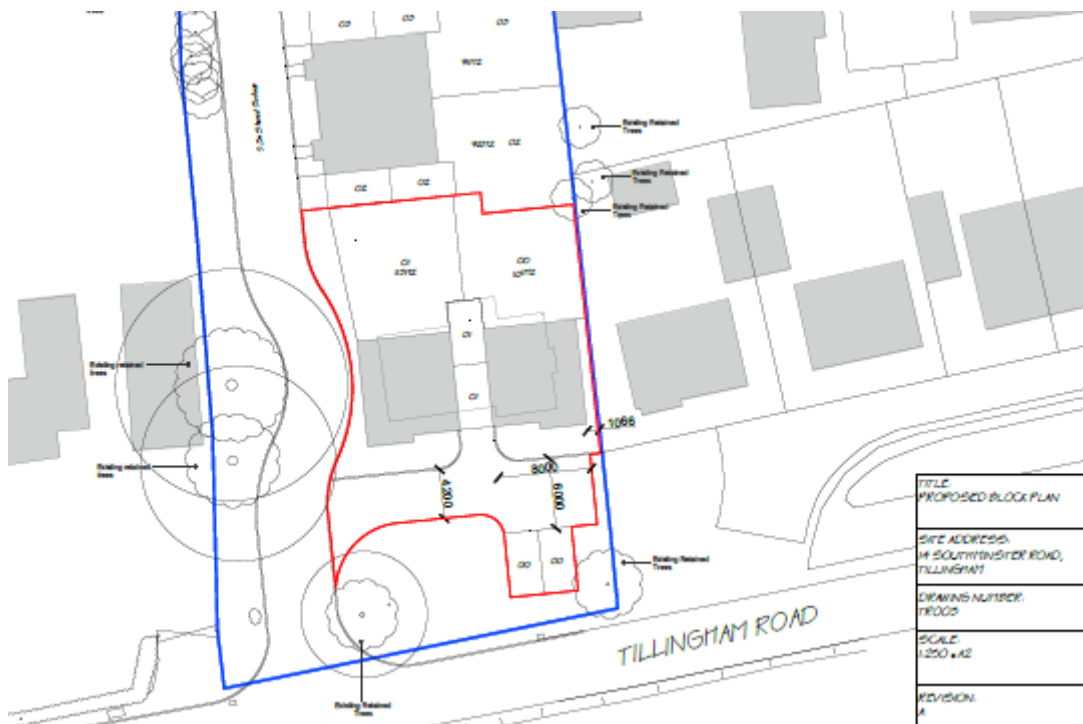
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive 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.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, 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 the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance
- 5.3.6 Whilst the bungalow form of the existing property is noted, the proposal in this case would be for a pair of two-storey dwellings in an area now characterised by two storey dwellings, and therefore in terms of scale, the proposal would be comparable to both the new development to the north and the existing detached housing along Southfields to the east of the site.
- 5.3.7 Officers had initially raised concerns regarding the layout of the proposed scheme – in particular the cramped nature of the proposal and positioning of an additional dwelling within what is currently a garden space to the rear of the bungalow. The insertion of a dwelling in this gap was considered inappropriate insofar as it would alter the established pattern of development of properties facing Southminster Road, where all feature conventional front house/rear garden arrangements.
- 5.3.8 Following discussion with the applicant an amended layout has been submitted which now repositions the proposed dwellings to align broadly with the prevailing building line along Southfields, with a front driveway to likewise match the pattern of development to the east. The images below provide a summary of the improvements made to the scheme as a result of this layout alteration.



Existing Block Plan – single bungalow



Originally Proposed Block Plan (house to rear, limited side gardens, elevation details convoluted and separation issues)



Amended Block Plan – both dwellings fronting Tillingham Road, rear building line and gardens retained, parking to front akin to adjacent Southfields development (to east)

- 5.3.9 The relationship between the two proposed dwellings as originally designed was also considered somewhat convoluted – with the narrow spacing between the properties resulting in large expanses of windowless and featureless elevations. Concerns were also raised in terms of potential overlooking of neighbouring gardens (both existing and proposed).



- 5.3.10 The updated detailed design and materials for the two dwellings have been selected to match those of the approved scheme to the north – specifically the north-western most detached property to the end of the close (as can be seen in the street scene

elevation below). This approach is considered to be appropriate and aligns with the previous Inspector's assessment of the detailed design of the scheme to the north. The proposed street elevation below illustrates how the dwellings sit comfortably within their setting as viewed from the south.



Proposed Streetscene

5.3.11 On the basis of the above, it is considered that the proposal, as revised during the application process, would not cause significant harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the National Planning Policy Framework (2021).

5.4 Impact on Residential Amenity

5.4.1 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.

5.4.2 Whilst concerns had been raised in relation to the originally submitted design, the amended layout now ensures that the creation of the two dwellings would not result in any significant harm by way of increased overlooking, or loss of daylight/sunlight to neighbouring properties.

5.4.3 In the first instance, the alignment of the two dwellings with the adjoining properties along Southfields means that the additional massing proposed (two storey in lieu of a bungalow) would not result in any loss of light to habitable windows. Likewise, no direct overlooking is achievable due to the positioning of windows in the same plane. Whilst some minor degree of overlooking of gardens is achievable from bedroom windows, this is commonplace in a residential environment and also mutual between the properties.

5.4.4 No concerns are raised in respect of residential amenity impacts to the west or north of the site due to the separation distances involved and existing vegetation along boundaries.

5.4.5 Overall it is considered that the revised design has overcome previously identified concerns and that the scheme is now considered acceptable in relation to neighbouring amenity matters. On this basis the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP and the MDDG.

5.5 Access, Parking and Highway Safety

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the

Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 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 and cycle routes.
- 5.5.4 In accordance with the Council's Parking Standards (2018), a dwelling with 3 no. bedrooms must provide 2 no. parking spaces. The proposed front driveway provides 2 no. parking spaces for each proposed dwelling in accordance with this requirement and sized to reflect the required 3m x 5.5 m dimensions.
- 5.5.5 The proposal has been reviewed by the Highways Authority, who consider that the proposal would not be detrimental to highway safety, capacity or efficiency. Two standard conditions relating to cycle parking and travel information packs have been suggested along with a number of informatives relating to construction of the dwelling and the impact on the highway.
- 5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policies D1 and T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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 District Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with 3-bedrooms or more.
- 5.6.2 The two gardens proposed in this case would measure 113sqm and 101sqm accordingly and are arranged in a conventional manner and are therefore acceptable.
- 5.6.3 An area of soft landscaping is retained to the front of the site adjacent to the front hedge line facing Tillingham Road. The application site boundary is limited to the hard landscaping proposed to the front driveway areas, with some soft landscaping immediately adjoining the two dwellings. Whilst it is understood that the landscaping scheme will reflect that of the wider residential development to the north, details of the hard and soft landscaping will be sought by way of planning condition to ensure that the proposal does not result in any harm to the character and appearance of the area,

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for each dwelling of approximately 120sqm which would comply with the minimum gross internal floor area as specified in the

Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.

- 5.7.2 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the Maldon District Design Guide SPD.

5.8 Flood Risk

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has not raised any concerns relating to the scheme. For avoidance of doubt a condition has been proposed requiring the connection of the properties to foul sewer or an appropriate system prior to occupation.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species (EPS) might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.9.2 The proposal has been previously reviewed by Natural England (NE), who noted that the site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The Local Planning Authority should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional 1 no. dwelling falls below the scale at which bespoke advice is given from NE. To accord with NE's requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

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, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. dwellings)

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.

- 5.9.4 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. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 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 £163.86 (2024/25 figure) and thus, the developer contribution should be calculated at this figure. The applicant has made a payment to this effect during the course of the application and as such the appropriate mitigation has been secured.
- 5.9.6 Following a request for further information specifically in relation to Biodiversity Net Gain (BNG) and Bat Roosting, the Council's appointed ecologist has stated that sufficient ecological information is available to support determination of this application. It has been recommended that a condition be added to require the submission of a Biodiversity Enhancement Strategy, alongside an informative requiring the submission of a Biodiversity Gain Plan in accordance with the BNG regulations.
- 5.9.7 The Council's Tree Officer has been consulted on the proposals and has confirmed that, whilst specific information relating to trees has not been provided, it is clear from the other documentation (and aerial imagery) that the proposed development is not in the vicinity of any existing trees. Furthermore, previously approved (and implemented) development proposals have resulted in a new site access road which will act as ground protection during construction works. A planning condition is proposed to ensure the retention and protection of tree and hedges shown on the submitted plans during the course of construction.

5.10 Planning balance and sustainability

- 5.10.1 One of the key priorities within the NPPF 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 an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix of the district by replacing an existing 3-bedroom bungalow with 2 x 3-bedroom two storey dwellings. There would also be economic activity

associated with the prospective occupiers for the dwellings. These benefits are given limited weight due to the small scale of the development.

5.10.3 Prospective occupants would have good access to shops, services and facilities and public transport connections reducing the reliance on the private vehicle. Substantial weight is given to the appeal decision for residential development on the wider site regard to the site's sustainability credentials.

5.10.4 As outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.

5.10.5 Whilst the contribution that an additional dwelling would make towards housing land supply and economic benefits is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
24/05123/DET	Compliance with conditions - Condition 8 - Construction Management Plan, Condition 9 - Sustainable Urban Drainage Scheme , Condition 10 - Foul drainage details	Refused.
24/05080/DET	Compliance with conditions - Condition 7 - Archaeological works.	Approved
23/05177/DET	Compliance with conditions - Condition 6 (Part) - Programme of archaeological work	Approved
23/01085/RES	Reserved matters application for the approval of landscaping for outline planning application of the erection of 7 dwellings with the retention of the existing dwelling, with only matters of landscaping reserved. 22/00514/OUT allowed on appeal APP/X1545/W/22/3303355.	Approved
22/00514/OUT (appeal ref. APP/X1545/W/22/3303355)	Outline planning application of the erection of 7 dwellings with the retention of the existing dwelling, with only matters of landscaping reserved.	Refused Appeal Allowed.
20/00352/FUL and appeal ref. APP/X1545/W/20/3260695	Proposed demolition of existing dwelling and erection of 9 dwellings and associated garages, parking areas, gardens, access and amenity areas.	Refused. Appeal Dismissed.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish / Town Council	Comment	Officer Response
Tillingham Parish Council	No response	Noted

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	No objection, subject to the imposition of conditions.	Noted - see Section 5.5 above
Natural England	Assessment required in relation to RAMS	Noted - see section 5.9 above
ECC Archaeology	No objection	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted, and discussed in section 5.8 above
Trees	No objection, subject to the imposition of conditions relating to hedge and tree retention	Noted, and discussed in section 5.9 above
Ecology	Initial response – request information regarding bat roosting and BNG. Second response (following additional details) – no objection subject to conditions relating to ecological improvements and associated informative requiring BNG Plan.	Noted – in section 5.9 above

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 6 March 2025 (with expiry date for comments set at 27 March 2025). The notices were affixed to a lamppost to the eastern corner of Southfields, to the east of the site, and to a traffic sign further to the west of the site along Southminster Road.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 20 February 2025 (with expiry date for comments set at 13 March 2025)
- 7.4.3 Following amendments to the scheme a further revised plans site notice was posted at the same locations on 24 July 2025 (with expiry date for comments set at 14 August 2025).

7.4.4 Additional notice of the amendments was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 24 July 2025 (with expiry date for comments set at 14 August 2025).

7.5 Further comments

7.5.1 At the time of writing this report, no further comments have been received following the amended plans and additional information submitted resulting in a change to the design. Any additional comments received prior to the Committee will be reported by way of Members' Update.

7.6 Representations received from Interested Parties (summarised):

7.6.1 A total of four objections have been received in relation to the initially submitted plans

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Summary of Comment	Officer Response
Concern over departure from original planning permission for 7 dwellings when bungalow was supposed to be retained	Noted – application does not specifically relate to the original scheme and is considered on that basis – see full assessment above.
Concern over highways impact	ECC Highways have raised no concerns over the net addition of 1 dwelling in this location.
Additional house “shoe-horned behind front house” (<i>initial scheme</i>)	Scheme layout now adjusted to reflect the pattern of development – see section 5.2
Parking is insufficient	Proposal complies with parking standards – see section 5.5.
Outlook from adjoining gardens harmed (<i>initial scheme</i>)	This has now been resolved by way of the repositioning of the houses to follow the garden pattern – see section 5.3.
Overlooking from proposed dwelling into adjoining gardens	As above, this has now been resolved – see section 5.3.
Concern over bat roosting	Report submitted confirming no presence
Issues with construction at site to north (disturbance)	Not directly related to proposal yet noted

8. 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) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans.
REASON To ensure the external appearance of the development is appropriate to the locality and Conservation area in accordance with policy

D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to first occupation of the dwelling hereby approved, the foul drainage for the dwelling must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwelling. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General Binding Rules" at the time of installation.
REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.
5. No development above ground level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works

- Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planning season (October to March inclusive) following the commencement of the development unless otherwise 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, uprooted, 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.

Hard landscape works

- Details of any walls and boundaries with materials, construction design and dimensions.
- Details of paved surfacing, with materials finishing and edgings.
- Details of street furniture, with designs materials and dimensions.

The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved and retained and maintained as such thereafter.

REASON To ensure 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 Local Development Plan and the guidance contained in the Maldon District Design Guide SPD (2017).

6. Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities 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 Policy D1 and T2 of the Local Development Plan.

7. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the 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 policies D1 and T2 of the Local Development Plan.

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, January 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 enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

9. The trees and hedges identified for retention on the approved plans which are attached to and form part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). 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 enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

10. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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 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 and Priority spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

11. The first-floor windows to the side elevation of each property hereby approved shall be glazed with obscure glass (minimum Level 3 obscurity) and fixed shut below a level of 1.7m above finished floor level. The obscure/fixed glazing shall be retained in perpetuity.
REASON To protect the privacy of neighbouring occupiers and to prevent overlooking, particularly in the event of a future use of the room as a habitable room, in accordance with Policy D1 of the approved Maldon District Local Development Plan.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.
REASON To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

INFORMATIVES

1 Waste Management

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

2 Contamination

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

3 Highway Works

- All highway related details shall be agreed with the Highway Authority;

- There shall be no discharge of surface water from the development onto the Highway;
- 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

4 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.

5 General Good Practice Mitigation to avoid Ecological impacts during the construction phase.

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

APPLICATION DOCUMENTS

TR001 Rev C -Site Location Plan
TR002 Rev B – Existing Block Plan
TR003 Rev B – Proposed Block Plan
TR004 Rev B – Proposed Site Plan
TR005 – Existing House Plans and Elevations
TR006 Rev A – House Types
TR007 Rev A – Street Scene
Bat Survey
Biodiversity Statement



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 August 2025**

Application Number	25/00301/FUL
Location	Land Adjacent The Old Post Office, Main Road, Mundon, Essex
Proposal	Demolition of existing outbuildings and construction of two bedroom dwelling and extended vehicle crossover.
Applicant	Mr Richard Wilson
Agent	FRONT. Architecture
Target Decision Date	22.08.2025 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	MUNDON
Reason for Referral to the Committee / Council	Departure from the local plan (part of site outside of settlement boundary)

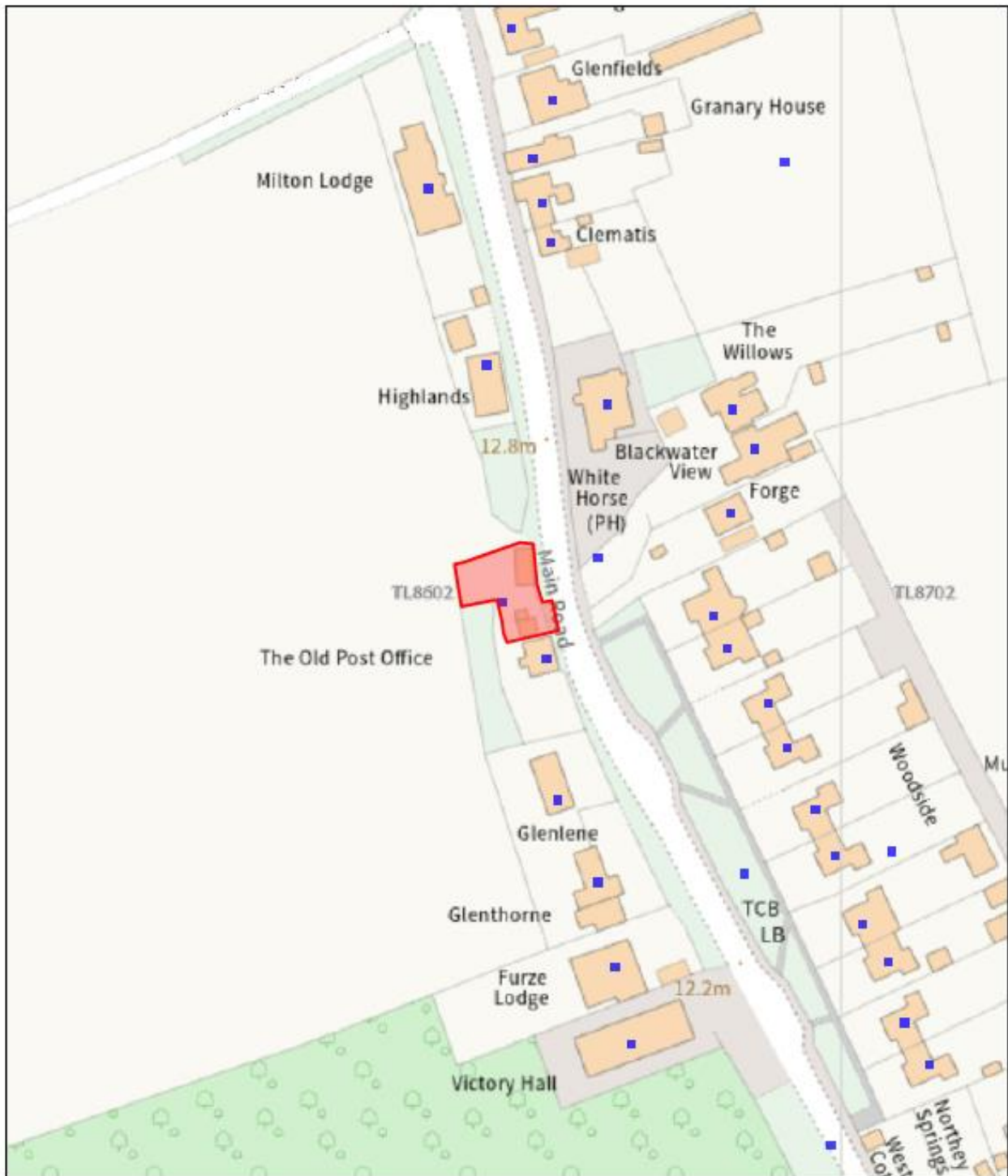
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.

2. SITE MAP

Please see below.

25/00301/FUL



8/5/2025, 11:26:59 AM

- GMS BLPD Points
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km

0 55 110 220 ft
0 15 30 60 m

Uniform
Idox | These datasets have been made freely available by Defra and its agencies for your use. You can either download them as digital GIS data onto your desktop, or you can access them as...

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the western side of Main Road, towards the northern end of the village of Mundon. The front section of the site (within which the proposed dwelling is positioned), lies within the defined settlement boundary; with the rear section lies outside of the boundary. The site is currently occupied by two single storey black painted timber barns structures, currently used for storage. The smaller structure lies adjacent to the existing dwelling at The Old Post Office, set back from the highway with a small parking area for two vehicles between. The second larger structure runs lengthways adjacent to the highway.
- 3.1.2 Due to its position straddling the settlement boundary, the site is considered to be semi-rural in character – with residential properties along Main Road to the east and south – and a wide expanse of open agricultural fields to the west as viewed from the existing dwelling at the site.

The Proposal

- 3.1.3 Planning permission is sought for the demolition of the existing structures and the construction of a two-bedroom dwelling, and extended vehicle crossover with associated landscaping and parking.
- 3.1.4 The proposed dwelling comprises a single storey, detached two-bedroom property, with parking for two vehicles and private amenity space to the rear extending to approximately 130sqm. The dwelling would be of a traditional design, with pitched gable ended tiled roofs, with elevations finished in weatherboarding atop a small brick plinth.
- 3.1.5 The application drawings as originally submitted proposed the creation of a revised parking area for the existing and additional proposed, accessed from the existing crossover at the site. Following discussions with Essex County Council (ECC) Highways regarding potential incursions onto highway land, the scheme has been amended to adjust the positioning of the proposed spaces within the site to be set further back from the public highway. As discussed at section 5.5 of this report ECC Highways have now confirmed that the proposed parking arrangements are acceptable.

Conclusion

- 3.1.6 As noted above, the application site straddles the defined settlement boundary of Mundon, with the proposed dwelling itself is located within the boundary. Therefore, whilst the application is technically a departure from the local plan due to part of the site being outside of the settlement boundary, the principle of development is considered acceptable due to the confinement of the built form to the area of the site within the boundary, which is reflective of the form of development on this side of Main Road.
- 3.1.7 The proposed dwelling is single storey in form and in many respects similar in appearance to the existing structure at the site when viewed from the public realm. The detailed design and materials proposed are considered to be of high quality and sympathetic to the surrounding context.

- 3.1.8 The creation of a dwelling in this location along Main Road is therefore considered to comprise a sensitive infilling along the frontage. Likewise, the positioning of the dwelling would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to details being provided by way of planning conditions.
- 3.1.9 The proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended for approval.

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
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 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 & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)

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

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 Policy S8 of the LDP states that the Council will support sustainable development within the defined settlement boundaries. Tillingham is defined as a 'main settlement.' 'main settlements' are defined as "settlements with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links".

5.1.3 Policy H4 of the LDP states that backland and infill development will be permitted providing all of the criteria of the policy that refers to backland development are met (1, 2, 3 and 4). The Policy reads as follows:

"Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:

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

5.1.4 The site in this case straddles the settlement boundary, and as a result the development would technically constitute a departure from the local plan insofar as part of the site lies outside of the settlement boundary. However, the proposed dwelling in this case lies entirely within the settlement boundary to the front of the site, with only the rear garden outside (indeed the same applies to the majority of dwellings and their gardens along this side of Main Road).

5.1.5 Due to the fact that the proposed built form is confined to the area of the site within the settlement boundary, consistent with the pattern of development, it is considered that the principle of development is acceptable, subject to compliance with the other relevant development plan policies and guidance.

5.2 Housing Need and Supply

- 5.2.1 On 12 December 2024 the Government published an amended version of the NPPF. Paragraph 231 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.2.2 Paragraph 78 of the Framework states that, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land”.
- 5.2.3 Footnote 39 of Paragraph 78 states; “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance.”
- 5.2.4 Maldon District Council had prepared and published a Five-Year Housing Land Availability Report on 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it took effect on 12 December 2024 and there is no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in NPPG. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must also put a 5% buffer onto the Five-Year Housing Land Supply (5YHLS). The overall effect of these changes means that the (5YHLS) for Maldon District now stands at 2.70 years.
- 5.2.5 This means that Paragraph 11d of the NPPF as revised, otherwise known as the ‘tilted balance’ is engaged which states:

“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 strong reason for refusing the development proposed;*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

5.2.6 Footnote 8 also states.

“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 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

- 5.2.7 In summary, if the Development Plan is more than five years old, and the Council cannot demonstrate a 5YHLS, the balance tilts more in favour of approving development which is sustainable, makes efficient use of land, provides affordable housing and / or is well designed. However, planning policies in the Local Plan should not be treated as out of date just because they predate the new NPPF such policies should be considered in light of their consistency with the revised framework.

Housing Provision and Mix

- 5.2.8 The NPPF is clear the housing should be provided to meet an identified need. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.9 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing 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.
- 5.2.10 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedroom, 25-35% two-bedroom, 40-50% three-bedroom and 15-25% for 4+ bedroom market dwellings.
- 5.2.11 The proposal would provide for an additional single storey two-bedroom dwelling. Whilst this is considered a benefit in planning balance terms, given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.3 Design and Impact on the Character of the Area

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

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, 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 the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 Part of the site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposed dwelling is single storey and traditional in form and broadly reflects the character and style of the existing structures at the site to be removed. The overall scale and massing would not appear out of character within the local context given the similarities between the existing and proposed buildings.
- 5.3.7 Architecturally the scheme has been developed to a high standard, and it is considered that the detailed design and use of materials as proposed would be very sympathetic to the local vernacular.
- 5.3.8 The proposed dwelling is wholly within the settlement boundary with only the garden being within the countryside. This area is already used as a garden for the existing dwelling. Although there would be some intensification of use, officers are satisfied that the intrinsic character and beauty of the countryside would be maintained.
- 5.3.9 On the basis of the above, it is considered that the proposal, as revised during the application process, would serve to enhance the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 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).
- 5.4.2 The application site lies approximately 30m south of the nearest neighbour to the north at from its neighbour to the north at Highlands, additionally separated by substantial planting and vegetation to the northern boundary. For this reason, no concerns are raised in respect of potential impacts upon the living conditions of residents to the north.
- 5.4.3 In terms of potential impacts upon occupiers of The Old Post Office to the south, given the single storey nature of the proposed dwelling, together with its alignment with the building lines adjacent, it is considered that the development would not result in any adverse impact in terms of overshadowing/loss of light to the neighbouring property.
- 5.4.4 In the first instance, the alignment of the two dwellings with the adjoining properties along Southfields means that the additional massing proposed (two storey in lieu of a bungalow) would not result in any loss of light to habitable windows. Likewise, no direct overlooking is achievable due to the positioning of windows in the same plane. Whilst some minor degree of overlooking of gardens is achievable from bedroom windows, this is commonplace in a residential environment and also mutual between the properties.
- 5.4.5 Likewise, no windows are proposed to the southern elevation that would give rise to any loss of privacy or overlooking. Appropriate planning is also proposed to the garden boundaries to prevent any loss of privacy in that regard.
- 5.4.6 Overall it is considered that the revised design has overcome previously identified highway dispute / concerns and that the scheme is now considered acceptable in relation to neighbouring amenity matters. On this basis the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 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 and cycle routes.
- 5.5.4 In accordance with the Council's Parking Standards (2018), a dwelling with 2 no. bedrooms must provide 2 no. parking spaces. The proposed front driveway provides 2 no. parking spaces for each proposed dwelling in accordance with the above requirement and the respective minimum space size standards. Two spaces are retained for the occupiers of The Old Post Office.
- 5.5.5 Amendments to the proposal were required during the application process to address concerns raised by the Highways Authority in respect of the proximity of the parking to (and possibly overlapping of) the public highway. Further to amendments being submitted, the Highways Authority have no objection to the proposals, subject to conditions relating to provision of an adequate crossover, suitable materials, cycle parking, and travel information pack provision.
- 5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three-bedrooms or more.
- 5.6.2 The garden proposed in this case would extend to 128sqm and hence satisfy the requirements above. The retained garden at The Old Post Office extends further to the south and would continue to exceed the standard requirement by a considerable margin. The scheme is therefore considered to be acceptable in terms of amenity space provision.
- 5.6.3 The proposed layout of rear garden landscaping would retain the existing hedgerows and trees that extend behind the current outbuildings, resulting in limited change to the existing garden – with the exception of a small area of patio to serve the living spaces of the new dwelling. To the front of the property, planting is proposed to the north-eastern corner adjacent to the highway, to soften the visual impact of the dwelling, albeit being similar to the existing structure when viewed from the streetscene.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 70sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.

- 5.7.2 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

5.8 Flood Risk

- 5.8.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to be provided prior to works above slab level, together with a construction management plan to be submitted and approved prior to commencement. The applicant has confirmed that this pre-commencement condition is acceptable.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species (EPS) might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.9.2 The site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The Local Planning Authority should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional 1 no. dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 – the significance test

Is the development within the Zone of Influence (Zoi) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. dwellings)

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.

- 5.9.4 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. Natural England does not need to re-consult on this Appropriate Assessment.
- 5.9.5 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 and thus, the developer contribution should be calculated at this figure. The applicant has submitted an acceptable Unilateral Undertaking ensuring that this contribution is secured prior to development taking place - as such the appropriate mitigation has been secured.
- 5.9.6 The application is supported by a Biodiversity Net Gain Statement prepared by ACJ Ecology, together with a habitat plan, and separate Preliminary Ecological Assessment. The Council's appointed Ecology Consultant has not commented on the proposals; however, a series of planning conditions are proposed which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity.
- 5.9.7 The northern boundary of the site comprises of a mix of dense shrubs and trees, all of which it is intended will be retained as part of the scheme. The application is supported by an Arboricultural Report and Tree Protection Plan (Andrew Day, March 2025) which provides an assessment of trees and hedges at the site and confirms that the proposed development can be undertaken without resulting in any harm or loss of trees. The Council's Tree Officer has reviewed the report and has confirmed that they have no objection to the proposals subject to a condition requiring the development to be carried out in accordance with the recommendations set out within the above Arboricultural Report and Tree Protection Plan.

5.10 Planning balance and sustainability

- 5.10.1 One of the key priorities within the NPPF 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 an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Prospective occupants would have good access to shops, services and facilities and public transport connections reducing the reliance on the private vehicle. As outlined

above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.

- 5.10.3 Whilst the contribution that and additional dwelling would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

- 6.1 No other planning history relating to the site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish/Town Council	Comment	Officer Response
Mundon Parish Council	Mundon Parish Council are willing to support this application although there are concerns that the dwelling is very small, with the lounge/diner design making it more like a one bed dwelling with a large kitchen, allied to being so close to the host property and having such a small garden, it will be limited in its appeal and practicality, unless deemed exclusively an annexe, not to be separated from the existing house plot.	The proposed dwelling would comply with the nationally described space standards

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	(In response to amended plans) No objection, subject to conditions relating to vehicular access widening, cycle parking and resident travel pack conditions	Noted - see Section 5.5

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and provision of a construction management plan.	Noted, and discussed below

Name of Internal Consultee	Comment	Officer Response
Trees	No objection, subject to compliance with the arboricultural report	Noted, and discussed below
Ecology	No response received	Noted – standard conditions relating to compliance with submitted reports and Biodiversity Net Gain proposed

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 18 April 2025 (with expiry date for comments set at 13 May 2025). The notices were affixed at eye level to a lamppost immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 20 February 2025 (with expiry date for comments set at 13 March 2025).
- 7.4.3 Following amendments to the scheme submitted in June 2025, a further revised plans site notice was posted at the same location on 11th June 2025 (with expiry date for comments set at 3 July 2025).

7.5 Representations received from Interested Parties (summarised):

- 7.5.1 No third party comments have been received in relation to the proposals

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).
- The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
- The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- No development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the Local Planning Authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:-

- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first 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. REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

5. Prior to first occupation of the dwelling hereby approved, the foul drainage for the dwelling must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwelling. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General Binding Rules" at the time of installation. REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.
6. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works

to preserve the amenity of the area and avoid nuisances to neighbours and to his effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 08:00 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

REASON: In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4, T1 and T2 of the approved Maldon District Local Development Plan.

- 7. Prior to first occupation of the development and as shown in principle on planning drawing no. 202 Rev P03, the existing vehicular access shall be widened to accommodate a suitable shared dropped kerb vehicular crossing of the highway verge to enable safe vehicle access to the parking layouts. Full layout details to be agreed with the Highway Authority.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.
- 8. 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 interest of highway safety in accordance with Policy D1 and T2 of the Local Development Plan.
- 9. Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities 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 Policy D1 and T2 of the Local Development Plan.
- 10. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the 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 policies D1 and T2 of the Local Development Plan.
- 11. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal

(ACJ Ecology Associates, February 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 enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

12. The trees and hedges identified for retention on the approved plans which are attached to and form part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). 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 enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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 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 and Priority spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local

Development Plan and guidance contained within the National Planning Policy Framework.

14. Prior to 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 how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation and the Crouch and Roach Estuaries Special Protection Area, Ramsar & Site of Special Scientific Interest 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 lighting will not result in impacts upon the statutory designated sites. 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 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.
REASON To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

INFORMATIVES

1 Waste Management

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

2 Contamination

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

3 Highway Works

- All highway related details shall be agreed with the Highway Authority;
- There shall be no discharge of surface water from the development onto the Highway;

- 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

4 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.

5 General Good Practice Mitigation to avoid Ecological impacts during the construction phase

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

APPLICATION PLANS

001 Rev P02 - Site Location Plan

202 Rev P03 - Site Plan Existing and Proposed

204 Rev P03 - Proposed Plans and Elevations
205 Rev P02 - Streetscene Existing and Proposed
206 Rev P03 - Site Location Plan