

16 September 2025



Princes Road  
Maldon  
Essex CM9 5DL

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APOLOGIES: Committee Services  
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CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 24 SEPTEMBER 2025** at **7.30 pm**

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

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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 P L Spenceley
VICE-CHAIRPERSON	Councillor A M Lay
COUNCILLORS	J R Burrell-Cook
	S J Burwood
	S Dodsley
	J Driver
	K Jennings
	K M H Lagan
	N D Spenceley
	J C Stilts
	N J Swindle

Please note: Electronic copies of this agenda and its related papers are available via the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk).



**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 24 SEPTEMBER 2025**

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 2 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. **25/00196/FUL and 25/00197/LBC Land at Maldon Hall Spital Road** (Pages 13 - 36)

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

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

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**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.
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](http://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**

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

### **Health and Safety**

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

### **Closed-Circuit Televisions (CCTV)**

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

### **Lift**

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

## DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

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

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

### Statutory Development Plans

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

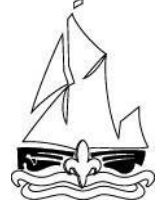
#### *Local-scale*

- [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  
CENTRAL AREA PLANNING COMMITTEE  
2 JULY 2025**

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**PRESENT**

Chairperson                      Councillor P L Spenceley

Councillors                      J R Burrell-Cook, S J Burwood, J Driver, K M H Lagan,  
N D Spenceley, J C Stilts and N J Swindle

**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 S Dodsley, K Jennings and A M Lay.

**134. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 18 December 2024 be approved and confirmed.

**135. DISCLOSURE OF INTEREST**

There were none.

**136. 25/00216/FUL - LAND ADJACENT MALDON WYCKE, SPITAL ROAD, MALDON**

<b>Application Number</b>	<b>25/00216/FUL</b>
<b>Location</b>	Land adjacent Maldon Wycke Spital Road Maldon
<b>Proposal</b>	Proposed detached dwelling and garage
<b>Applicant</b>	Mr and Mrs D Cozens
<b>Agent</b>	Mr Ashley Robinson
<b>Target Decision Date</b>	7 <sup>th</sup> July 2025
<b>Case Officer</b>	Saffron Loasby
<b>Parish</b>	<b>MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

Following the Officer's presentation, a concern was raised about environmental mitigations within the application to which the Head of Planning and Implementation responded that the mitigations were covered in section 5.9.5 of the report.

Then Councillor J Driver proposed that the Committee accept the Officers' recommendation and approve this application

This was duly seconded and unanimously agreed

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall commence not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.
3. No development shall commence, including any works of demolition, until full details of both the finished levels, above ordnance datum, of the ground floor of the proposed dwelling and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
4. No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Samples or high quality photographs of the bricks and roof tiles to be used and information on their source shall be submitted also. The development shall only be implemented in accordance with the approved details and permanently retained as such.
5. No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled elevation and plan drawings illustrating their location, design, materials and finish. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.
6. No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
  - a) The provision of parking for operatives and contractors;
  - b) The storage of plant and materials used in constructing the development;
  - c) Wheel washing and underbody washing facilities;
  - d) Measures to control the emission of dust, dirt and mud during construction;
  - e) A scheme to control noise and vibration during the construction phase, including details of any piling operations;
  - f) Hours of work – works shall only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays; and not at any time on Sundays, Bank and Public Holidays;
  - g) Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.



- 7 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- a) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - b) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

The Applicant is 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.

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.

- 8 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.
- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the *Low Impact EcIA (Hybrid Ecology, May 2024)* submitted with the application.

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.

- 11 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
- The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;

- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

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

- 13 No development shall commence, including any works of demolition, until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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

- 14 Prior to above ground works, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: -:

- 1) Hard surfacing materials;
- 2) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities;
- 3) Details of the planting scheme implementation programme and a timescales and details of the aftercare and maintenance programme.

Details for hard surfacing shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or

- alteration of the dwellinghouse(s), as permitted by Classes A, AA and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
- 16 The weatherboarding shall be featheredged timber painted black and all windows, doors, fascias and soffits shall be of painted timber only.
- 17 The dwelling hereby permitted, shall, for a period of two years upon the first occupation of the dwelling, only be occupied by the applicant (or Mr Richard Cozens), or a widow, widower or surviving civil partner of such a person, and by any resident dependants, and shall only be occupied as their primary residency.
- 18 The two year period of occupancy in condition number 17 will only start to run once the Local Planning Authority has been informed in writing that a lawful occupancy has begun.

There being no other items of business the Chairperson closed the meeting at 7.43 pm.

P L SPENCELEY  
CHAIRPERSON

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

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to  
**CENTRAL AREA PLANNING COMMITTEE  
24 SEPTEMBER 2025**

<b>Application Numbers</b>	<b>25/00196/FUL and 25/00197/LBC</b>
<b>Location</b>	Land At Maldon Hall, Spital Road, Maldon Essex
<b>Proposal</b>	Single storey extension to an existing double garage building to form a new two bedroom dwelling house.
<b>Applicant</b>	Mr & Mrs Worricker
<b>Agent</b>	Simon Plater - Plater Claiborne Ltd
<b>Target Decision Date</b>	26.09.2025
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

**1. RECOMMENDATION**

**25/00196/FUL:**

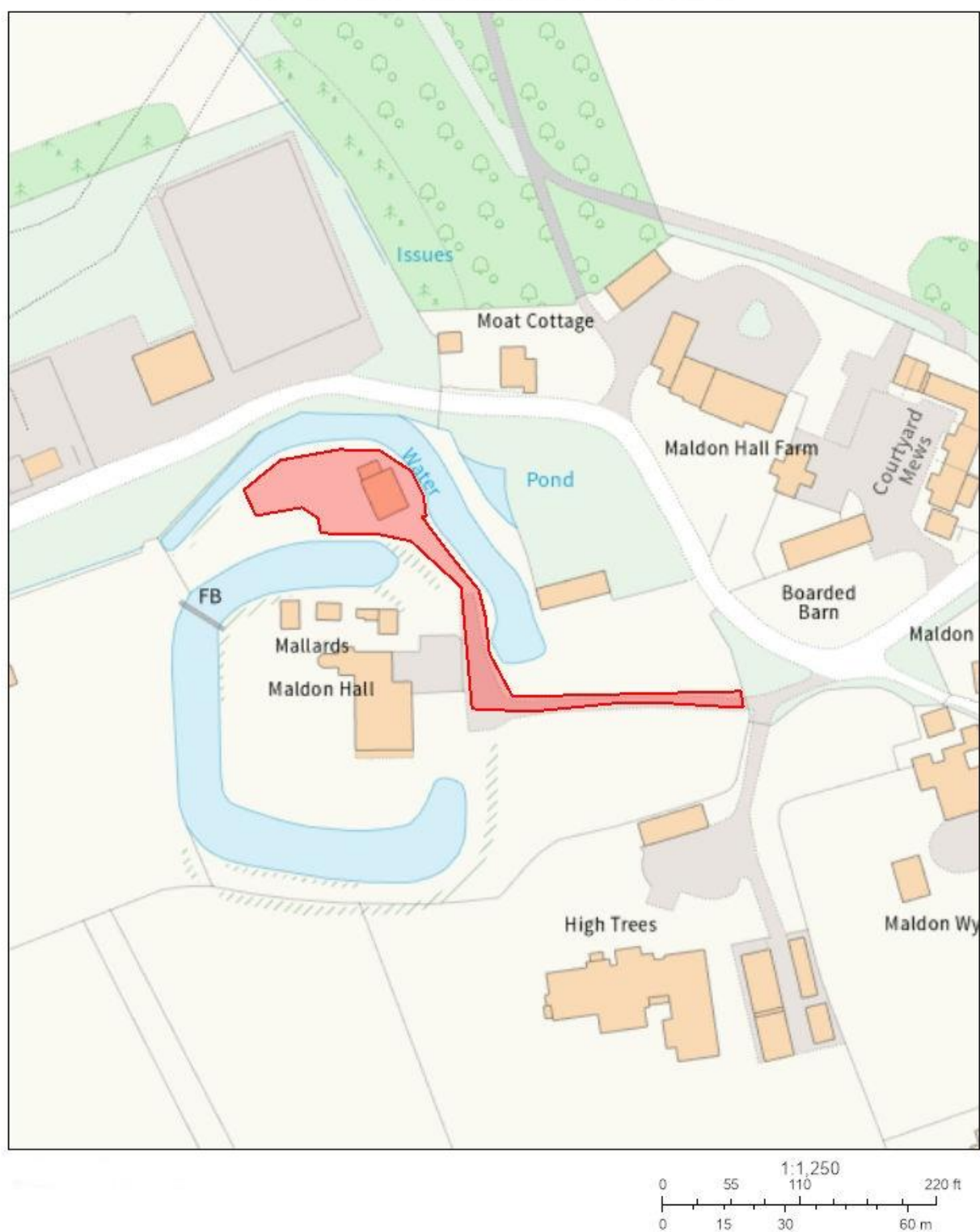
**GRANT PLANNING PERMISSION** subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.

**25/00197/LBC:**

**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.



### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site is located on the north-western side of Spital Road, in a semi-rural area outside of the defined settlement boundary of Maldon. Spital Road is characterised largely by open expanses of agricultural fields to the north and west, development is sporadic and loose knit in nature. The application site is currently occupied by a single large residential property with various single storey structures. Access from Spital Road is achieved from two alternative access roads to the south and east of the site.
- 3.1.2 The application site is located to the north of Maldon Hall, a Grade II listed building, within its curtilage. The site is within Flood Zone 1 and presents a low risk of flooding.

##### The Proposal

- 3.1.3 Planning permission is sought for the conversion and extension of an existing garage outbuilding to create a two bedroom dwelling.
- 3.1.4 The existing garage to be converted is located approximately 40m to the north of Maldon Hall and is of simple design constructed in red brick and clay tile roof, with timber garage doors. The structure measures 8.3m wide by 5.8m deep, with pitched roof at a height of 6.01m to ridge (2.98m to eaves).
- 3.1.5 The application scheme proposes the conversion and remodelling of this structure, with the addition of a modern, pitched roof standing seam zinc extension linked to the north-western side (away from the main house) providing the required living space for the dwelling. The extension would measure 10.7m wide by 5.64m deep, with pitched roof at a height of 5.17m to ridge (2.72m to eaves).
- 3.1.6 Accommodation is mainly spread across the ground floor, with the second master bedroom located within the loft space of the existing structure (the roof of which is to be replaced and reinforced, with new pantiles in lieu of existing clay tiles).
- 3.1.7 Access to the property would be from the shared driveway currently serving Maldon Hall which already extends to the garage structure. The driveway would comprise a new gravel hardstanding, leading to the already established rear garden area to the west, with a patio and lawned area to the rear. Parking for at least two cars would be provided to the front of the property with ample turning space available.

#### **3.2 Conclusion**

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. Whilst the proposal is therefore in conflict with policy S8, as a result of the Council's current Five-Year Housing Land Supply (5YHLS) position the scheme must be assessed in accordance with paragraph 11d of the National Planning Policy Framework (NPPF) (also known as the "tilted balance") where a presumption in favour of sustainable development applies. Particular consideration should be given to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 3.2.2 In this case, as set out within the report below, due to the site's proximity to Spital Road (and the settlement boundary itself), and in turn access to public transport and local services within safe walking distance, it is considered that the site location is sustainable and would not result in increased reliance on private car use.
- 3.2.3 Consideration must also be given to recent planning decisions in the vicinity of the site, in particular the permission granted by Committee in July 2025 for a single dwelling 100m south of the site at Maldon Wyke (application ref 25/00216/FUL) to the south of the site (planning appeal decision allowed in 2018 (under 18/00186/FUL) where it was accepted that the site was within a sustainable location even though it is located outside the town's settlement boundary.
- 3.2.4 Taking the above factors into consideration, it is considered that the principle of the development as sustainable development and a departure from the Local Development Plan (LDP) is therefore acceptable subject to compliance with other relevant policies contained within the LDP.
- 3.2.5 The design and materials of the proposed development are considered acceptable and would comprise a sensitive development subservient to, and detached from, the host dwelling. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, trees, ecology and biodiversity – subject to planning conditions and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) mitigation secured by way of a Unilateral Undertaking.
- 3.2.6 In heritage terms it is considered that proposal will cause no harm to the significance of Maldon Hall as a Grade II Listed Building.
- 3.2.7 The proposed development accords with the relevant policies contained within the approved Maldon District LDP and the 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
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving the natural environment
- 202-221 Conserving and enhancing the historic environment



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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- 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
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services

#### **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 Supplementary Planning Document (SPD)
- Vehicle Parking Standards (VPS) SPD

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the (NPPF) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.

- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow (m) development which complies with other policies of the LDP.

#### Five Year Housing Land Supply

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the application proposal lies outside of the settlement boundary, and therefore in conflict with policy S8, it is noted that this policy cannot be considered up to date due to the Council’s 5YHLS position – therefore the NPPF’s titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination’*.

#### Sustainable Development

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

### *Environmental Dimension*

- 5.1.10 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. This is supported by the update of the Government’s Policy Paper, ‘Strategic road network and the delivery of sustainable development’ (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that “new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable”.
- 5.1.11 Of particular relevance to the scheme is the recent permission granted by Committee in July 2025 for a single dwelling at Maldon Wycke (application ref 25/00216/FUL). The application in that case was approved following an appeal decision relating to a previous scheme (application ref 18/00186/FUL), in which the Inspector concluded that the residential development of the site would be (at the time) contrary to policies S1 and S8, but that future occupiers would have access to services and facilities and would not be dependent on private motor vehicles. For this reason, the principle of development at the site was deemed acceptable.
- 5.1.12 Although the application site in this instance is located slightly further from the settlement boundary of Maldon to the east (approximately 200m), it is still situated within the same existing cluster of residential properties and as such is not considered to be in an isolated location. As with Maldon Wycke, the proposed dwelling would have access to services and facilities without relying heavily on private motor vehicle given its location. Access from the site to Spital Road, although unlit, is subject to limited traffic for the residential properties only and considered safe for pedestrian use. Spital Road itself is a well-lit road with footpaths on both sides of the street. Bus stops are located to the north and south of the application access within short walking distances (230-350m). Maldon High Street is also within walking distance of the site (just over a mile from the site entrance) with supermarkets and a retail and industrial park located approximately 550m to the south of the site. Furthermore, recent permissions in the vicinity whereby the circumstances of this application are almost identical, there is no reason to come to a different conclusion in terms of locational sustainability.
- 5.1.13 With regard to other environmental considerations, these are assessed in detail below:

### *Social Dimension*

- 5.1.14 The development would make a nominal contribution towards the supply of housing within the District as only a single dwelling is proposed.

### *Economic Dimension*

- 5.1.15 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

## Summary of Principle of Development

- 5.1.16 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LPD, future occupiers would have good 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. For this reason, the principle of residential development at the site is considered acceptable subject to compliance with other relevant policies contained within the LDP.

### **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 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. The only significant change with the new NPPF is the emphasis on the provision of Social rented accommodation
- 5.2.4 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.
- 5.2.5 The plans submitted as part of the application provide for a one-bedroom dwelling, which would assist in meeting this established need in the District - however this would be nominal contribution given that only a single dwelling is proposed.

### **5.3 Design and Impact on the Character of the Area and Heritage Assets**

- 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.4 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.
- 5.3.5 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.3.7 Maldon Hall was historically the manor house for the manor of Little Maldon. It is a complex multi-phased building, the most important part being the right-hand (north) wing which is a mid-14th-century timber-framed structure of exceptional architectural interest. This is one of the oldest timber-framed buildings in the Maldon District. The medieval wing, which incorporates richly moulded corncicing, is not mentioned in the list description, which suggests the inspector who wrote the description did not access this part of the house. To the south of the 14<sup>th</sup>-century wing is an early-16<sup>th</sup>-century hall range with a crown-post roof, which was faced with red brick in the Georgian period. An elegant brick front (east) range was added early in the 19<sup>th</sup> century.
- 5.3.8 The application site in this instance is located approximately 40m to the north of the listed building, but within its curtilage. It is separated from the main house physically and visually – with only glimpse views between the house and the garage structure.
- 5.3.9 The garage structure proposed for conversion and extension to form a dwelling, is of simple red brick design with tiled roof: the overall style of this element is retained as part of the scheme albeit with upgraded pantiles to the roof which are considered an enhancement to the building. The retention of this element ensures that the visual relationship between the building and the main house is not significantly altered as a result of the proposal.
- 5.3.10 The extension to the garage which enables its conversion to residential is more contemporary in style, finished in zinc with a standing seam finish. The ridge line of the extended section sits below that of the original structure, hence resulting in a subservient appearance despite its overall footprint and materiality.

5.3.11 The contrasting materials are considered to offer a high level of visual interest and it is considered that the proposed combination of architectural styles successfully preserves the character of the existing building and would not be detrimental to the character and appearance of the wider area.

5.3.12 The Council's Principal Conservation Heritage Officer has advised that subject to the use of good quality and sympathetic materials, the proposal should cause no harm to the setting or significance of the nearby listed buildings. Comments read:

*"The applications seek permission to extend and alter the garage to create a two-bedroom dwelling house. A single-storey extension would replace the modern timber lean-to. This would be clad in green-coloured zinc. It would, in my judgement, be a high-quality well-designed addition, its irregular shape responding to the curvature of the moat. The alterations to the former stable would not harm its limited significance. The replacement of the concrete roof tiles with clay pantiles would be more in keeping with the traditional materials which characterise the listed building. The scheme would have no detrimental impact on any important views of or from Maldon Hall."*

5.3.13 Officers concur with the Conservation Officer's assessment in that the proposed scheme represents a sympathetic and high quality design, sensitive to both the setting of the Listed Building and the surrounding area. Given the re-use of the existing structure, the proposal would not appear as an incongruous form of development and would not urbanise the rural character and appearance of the area.

5.3.14 In summary, subject to conditions securing materials, fenestration detail and boundary treatments, it is considered that the proposal would not harm the character or appearance of the surrounding area or the setting of the Listed Building, in compliance with policies S1, S8, D1, D3 and H4 of the approved LDP.

#### **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, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

5.4.2 Given that the site is surrounded by dense vegetation to the north and east of the site, with the western side facing onto existing garden spaces, the only neighbours that may be potentially impacted by the proposed development are those located within the host property at Maldon Hall to the south of the site. In this regard it is noted that the proposed dwelling is positioned almost 40 metres away from the existing property and separated by a substantial brick wall and further vegetation.

5.4.3 Given that the proposed design re-uses the existing red brick structure nearest to the site, with new footprint away from the main house, it is not considered that the proposal would result in any harm to neighbouring occupiers in amenity terms. The proposed fenestration of the dwelling faces eastwards into the new garden area, and away from the main house (which as noted is screened in any event).

5.4.4 Given the proximity of the site to the neighbouring dwellings, and the shared nature of the site access, officers have recommended a Construction Management Plan be secured by way of a condition to preserve the amenity of the area and avoid nuisance to neighbours during the construction period.

- 5.4.5 Overall it is considered that 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, subject to the proposed condition above.

## **5.5 Living Conditions for Prospective Occupiers**

- 5.5.1 The indicative plans submitted with the outline application show a two-bedroom bungalow of approximately 123 sqm 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.
- 5.5.2 The proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 Policy T2 of the approved LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Policy D1 seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards.
- 5.6.2 The NPPF refers in paragraph 111 that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.
- 5.6.3 The proposed indicate provision being made for the parking of two cars to the front of the new dwelling, in accordance with the Council's VPS which requires provision of two spaces for dwellings of two or more bedrooms. An improved driveway and access would provide access to serve the new dwelling.
- 5.6.4 The Highway Authority has been consulted and raised no objection to the proposal in terms of access, subject to appropriate conditions relating to cycle parking and provision of Travel Information Packs prior to occupation.
- 5.6.5 For the reasons set out above it is considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS SPD.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 Plans demonstrate that the rear and side garden area (to the north and east) as proposed is likely to far exceed the level of private amenity space provision required. It is considered that the site would be able to accommodate sufficient high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

## **5.8 Flood Risk and Drainage**

- 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 maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 The proposal has been reviewed by the Council's Environmental Health Officer, who advises that details regarding surface water and foul water drainage would be required and could be imposed by way of conditions on any permission.
- 5.8.4 Subject to the above mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

## **5.9 Ecology and Biodiversity**

- 5.9.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 5.9.2 Policy S1 of the LDP includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.3 Policy N1 of the LDP states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Policy N2 of the LDP states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

### *Ecology*

- 5.9.4 The application is supported by a Preliminary Ecological Appraisal (PEA), which incorporates a Bat Survey Inspection (Open Spaces Landscape Architects, December 2023), Bat Emergence Survey (Landscape Architects, June 2024), GCN Technical Report (SureScreen Scientifics, March 2025), and the Outline Mitigation Measures for GCN (Landscape Architects, February 2025).
- 5.9.5 The Council's Ecology Consultants, Place Services, have reviewed the submitted information and are satisfied that there is sufficient ecological information available for determination of this application providing certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable enhancement measures recommended in the submitted PEA are supported. Conditions are therefore recommended to secure the measures in the



submitted documents are carried out, to secure a biodiversity enhancement strategy and ensure a wildlife sensitive lighting scheme.

#### *Impact on Designated Sites*

- 5.9.6 The site falls within the Zol for one or more of the European designated sites scoped into the Essex Coast RAMS. The LPA must therefore undertake an Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.9.7 The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast RAMS 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 (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 1no. dwellings, and therefore the net increase of dwellings at the site is 1no. dwellings.

#### HRA Stage 2: Appropriate Assessment - Test 2 – The integrity test

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

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

#### Summary of Appropriate Assessment

- 5.9.8 As the answer is 'no', it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025/26 figure) and thus, the developer contribution should be calculated at this figure.
- 5.9.10 The applicant has submitted a completed Unilateral Undertaking securing the above contribution prior to commencement of development, having paid the requisite associated checking and monitoring fees. Appropriate mitigation has therefore been secured.

#### *Biodiversity Net Gain*

- 5.9.11 The application as submitted seeks permission for the construction of a self-build dwelling, which is exempt from Biodiversity Net Gain. Notwithstanding the exemption,

as part of the submitted PEA the outline scheme proposes a number of ecological enhancements (bat boxes, bird boxes, hedgehog box, appropriately selected plant species and soft landscaping design) to be incorporated into the design – these would be secured by way of planning condition as noted at 5.9.5 above.

#### *Trees*

- 5.9.12 The application is supported by a Tree Survey Report by Kirsten Bowden, Chartered Landscape Architect, which indicates all existing trees that will be retained and protected throughout the proposed development, and three smaller trees that would be removed.
- 5.9.13 During the course of the application, a query was raised by the Council's Tree Consultant regarding the veteran status of some of the trees identified within the submitted survey. A site visit was undertaken attended by the Council's Tree Consultant, project architect and their appointed engineer, in order to clarify the condition of the trees in question and potential impact of the scheme. The Council's Tree Consultant confirmed that tree T8 did not fulfil the criteria to be classed as a veteran tree (as originally stated in the applicant's submission) and therefore no concerns were raised in respect of the development in principle. Notwithstanding this, it was suggested that further ground investigations and details of the engineering approach to protecting the surrounding trees would provide further clarity as to the extent of tree roots and thus the acceptability of the proposals.
- 5.9.14 Following the meeting the applicant provided an additional supplementary report confirming the tree status, along with details of the ground investigations undertaken and engineering drawings to show the proposed foundation approach. Having reviewed this additional information, the Council's Arboricultural consultant has confirmed that they now support the application subject to the compliance with the full methodologies and practices specified within the reports and plans. Further detail is required in the form of a final tree protection plan and arboricultural method statement prior to development commencing. This information can be secured by way of planning condition.

### **5.10 Other Matters**

#### Pre-commencement conditions

- 5.10.1 The applicant has raised no objection to the imposition of the 'pre-commencement' conditions relating to Construction Method Statement and arboricultural works as recommended below.

### **5.11 Planning Balance**

- 5.11.1 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.
- 5.11.2 Given the scale of development (one dwelling) limited positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the development is outside of any settlement boundary, taking into account recent local decisions, the accessibility and proximity to local services and facilities it is considered that the site lies in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day

to day services and facilities. Other environmental impacts can be addressed by way of conditions.

5.11.3 Overall, the benefits of the development would outweigh any harms identified.

## 6. **RELEVANT SITE HISTORY**

6.1 Application site planning history:

- **24/00110/FUL** – Single storey extension to an existing double garage building to form a new two bedroom dwelling house – Withdrawn.
- **24/00197/LBC** – Single storey extension to an existing double garage building to form a new two bedroom dwelling house – Withdrawn.
- **00/00721/FUL** - Proposed car port – Approved.
- **00/00722/LBC** - Proposed car port – Approved.
- **00/00434/FUL** – Proposed single storey porch and utility room extension and the construction of a 2 metre high brick courtyard wall enclosure – Approved.
- **00/00435/LBC** - Proposed single storey porch and utility room extension and the construction of a 2 metre high brick courtyard wall enclosure – Approved.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of these applications	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions regarding cycle parking and Travel Pack information	Noted and discussed in section 5.6 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation	No objection subject to conditions securing materials, boundary treatment and fenestration detail.	Noted, addressed in section 5.3 of the report and conditions included in the recommendation.
Environmental Health	No objection subject to conditions regarding surface water drainage, Foul drainage and informative regarding refuse, land contamination, construction, small sewage treatment plants and watercourse alteration	Noted, addressed in section 5.8.3 of the report and conditions included in the recommendation.
Ecology	No objection subject to conditions	Noted, addressed in

Name of Internal Consultee	Comment	Officer Response
	securing ecological appraisal compliance, a Biodiversity enhancement strategy, lighting scheme and securing a financial contribution towards Essex Coast RAMS.	section 5.9 of the report and conditions included in the recommendation. Satisfactory unilateral undertaking has been submitted to secure RAMS contribution.
Trees	No objection subject to conditions requiring the submission of a tree retention and protection plan, arboricultural impact assessment and method statement.	Noted, addressed in section 5.9.14 of the report and conditions included in the recommendation.

#### 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 21 March 2025 (with expiry date for comments set at 11 April 2025). The site notice was affixed at eye level to the nearest telegraph pole located to the entrance to the access road, in a prominent position within the street scene where Spital Road meets Wycke Court.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 20 March 2025 (with expiry date for comments set at 10 April 2025).

#### 7.5 Representations received from Interested Parties

- 7.5.1 No representations have been received in response to the public consultation.

### 8. PROPOSED CONDITIONS

#### 25/00196/FUL:

##### **Proposed Conditions:**

- 1 The development hereby permitted shall commence not later than three years from the date of this decision.  
REASON To comply with Section 91(1) The Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development above slab level shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Samples or high quality photographs of the bricks and roof tiles to be used and information on their source shall be submitted also. The development shall only be implemented in accordance with the approved details and permanently retained as such.  
REASON To ensure that the development does not prejudice the appearance of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

- 5 No development above slab level shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled elevation and plan drawings illustrating their location, design, materials and finish. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.

REASON In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

- 6 No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- a) The provision of parking for operatives and contractors;
- b) The storage of plant and materials used in constructing the development;
- c) Wheel washing and underbody washing facilities;
- d) Measures to control the emission of dust, dirt and mud during construction;
- e) A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- f) Hours of work – works shall only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays; and not at any time on Sundays, Bank and Public Holidays;
- g) Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

REASON In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity and in accordance with policy D1 of the Maldon District Approved Local Development Plan 2017. This information is required prior to the comments of development to ensure that from commencement the impacts of construction are mitigated.

- 7 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- a) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- b) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off

rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

The Applicant is 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.

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.

REASON To ensure that the surface water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan July 2017 as well as guidance contained within the National Planning Policy Framework.

- 8 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON To ensure that the foul water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan July 2017.
- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. 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 Maldon District Approved Local Development Plan July 2017.
- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal incorporating Bat Survey Inspection (Open Spaces Landscape Architects, December 2023), and the Outline Mitigation Measures for GCN (Landscape Architects, 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 conserve and enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.
- 11 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.  
The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.

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

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

REASON To enhance and protect Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework.

- 13 No development shall commence, including any works of demolition, until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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

REASON To ensure appropriate protection for the retained trees on and adjacent to the site in the interest of the character and appearance of the site, in accordance with Policies S1, D1, and N2 of the Maldon District Approved Local Development Plan 2017 and guidance contained within the NPPF.

- 14 Prior to development above slab level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- 1) Hard surfacing materials;
  - 2) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities;
  - 3) Details of the planting scheme implementation programme and a timescales and details of the aftercare and maintenance programme.

Details for hard surfacing shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.

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

REASON To enhance the character of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, AA and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
- REASON In order to ensure neighbouring residential amenity in accordance with policy D1 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

#### **Informatives:**

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
  - b) No dust emissions should leave the boundary of the site.
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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 MDC 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. Care must be taken to



prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter. Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 2 When a sewage treatment plant or septic tank is installed, the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see [www.gov.uk](http://www.gov.uk) for more information on General binding rules for small sewage discharges.
- 3 The applicant should be made aware of the potential relocation of utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- 4 There shall be no discharge of surface water from the development onto the Highway.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 6 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.
- 7 The applicant should consult the Waste and Street Scene Team at (MDC) 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.
- 8 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively, you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk). Planning permission does not negate the requirement for consent, and full details of the

work you propose will be required at least two months before you intend to start.

**Application Plans:**

- 2307 01 Location Plan
- 2307 02 Block Plans
- 2307 03 As Existing
- 2307 04 As Proposed
- 2307 05 Elevations and Sections
- 2307 06 Elevations and Sections
- 2307 07 Elevations and Sections
- 2307 08 3D Views
- Design and Access Statement
- Heritage Statement
- Internal Daylight Assessment
- Preliminary Ecological Appraisal
- Bat Survey
- Great Crested Newt Report
- Outline Mitigation Measures for Great Crested Newt
- Ground Investigation
- SSQ281-100 Rev P1 - Structure Arrangement and Section
- Tree Survey Report Rev A

**25/00197/LBC**

**Proposed Conditions:**

- 1 The development hereby permitted shall commence not later than three years from the date of this decision.  
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 approved plans as shown on the decision notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development above slab level shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Samples or high quality photographs of the bricks and pantiles to be used and information on their source shall be submitted also. The development shall only be implemented in accordance with the approved details and permanently retained as such.  
REASON To ensure that the development does not prejudice the appearance of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.
- 4 No development above slab level shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include

scaled elevation and plan drawings illustrating their location, design, materials and finish. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.

**REASON** In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

- 5 Prior to development above slab level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: -:

- 1) Hard surfacing materials;
- 2) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities;
- 3) Details of the planting scheme implementation programme and a timescales and details of the aftercare and maintenance programme.

Details for hard surfacing shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.

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

**REASON** To enhance the character of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

**Application Plans:**

- 2307 01 Location Plan
- 2307 02 Block Plans
- 2307 03 As Existing
- 2307 04 As Proposed
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- 2307 07 Elevations and Sections
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