

27 January 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 4 FEBRUARY 2026 at 7.30 pm**

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

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

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

A copy of the agenda is attached.

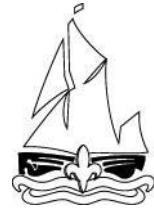
Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

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

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



AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 4 FEBRUARY 2026

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 03 December 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. **25/00524/FUL - Land Adjacent Barrow Cottage, Bassetts Lane, Woodham Walter**
(Pages 21 - 40)

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

6. **25/00430/OUT - Land North Of Captains Wood Road, Great Totham** (Pages 41 - 60)

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

7. **25/00730/FUL - Land West of 8 Captains Wood Road, Great Totham** (Pages 61 - 78)

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

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos.5, 6 and 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Recording of Meeting

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

Fire

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

Health and Safety

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

Closed-Circuit Televisions (CCTV)

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

Lift

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

DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

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

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

Statutory Development Plans

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

Other Material Considerations

Legislation

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

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

National Planning Policy

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

Guidance, Supplementary Planning Documents (SPD) and Design Statements

National-scale

- [National Planning Practice Guidance](#)

Sub-Regional / Essex-scale

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

District-scale

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

Local-scale

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

Maldon District Local Development Plan Review Evidence Base

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

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



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
3 DECEMBER 2025**

PRESENT

Chairperson	Councillor M F L Durham, CC
Councillors	C P Morley and E L Stephens

364. CHAIRPERSON'S NOTICES

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

365. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J C Hughes, M E Thompson, S White and L L Wiffen.

366. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 November 2025 be approved and confirmed.

367. DISCLOSURE OF INTEREST

There were none.

368. 24/00919/FUL - BARN A AT, THE BARN, BRAXTED PARK RD, COLCHESTER, CO5 0QB

Application Number	24/00919/FUL
Location	Barn A At, The Barn, Braxted Park Road, Colchester CO5 0QB
Proposal	The erection of four new build dwellings (in lieu of Prior Approval for four dwellings, subject of application 24/00072/PACUAR).
Applicant	C Burrows
Agent	Stanfords
Target Decision Date	07.11.2025 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Departure from the Local Plan

A Members' Update was published before the meeting containing more accurate comparisons between the design of the previously approved conversion scheme (24/00072/PACUAR) and the current proposal. Also, it contained additional information regarding the design and impact on the character of the area.

Following the Officers' presentation, Councillor E L Stephens proposed that they approve this application. This was duly seconded.

Upon a vote being taken the proposal to approve was agreed, subject to the conditions detailed in the report.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.
- 4 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:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) 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)

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.

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.

- 5 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.
- 6 Prior to first occupation of the development, the existing vehicular access shall be formalised and constructed as shown in principle on planning drawing no. BTB-04 Rev G. The access shall be provided with an appropriate

vehicular crossing of the highway verge. Any redundant parts of the existing access on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge. Full layout details to be agreed with the Highway Authority.

- 7 The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- 8 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.
- 9 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.
- 10 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord, March 2024) 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.
- 11 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.

- 12 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 (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) 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.

13 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.

369. 25/00362/FUL - LAND AT 1 OXLEY COTTAGE, 1 OXLEY HILL, TOLLESHUNT D'ARCY, ESSEX

Application Number	25/00362/FUL
Location	Land at 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy, Essex
Proposal	Change of use from residential garage store to Class E (for hairdressing business)
Applicant	Mr Sam Cook
Agent	Mr Matthew Lockyer - That Design Co Ltd
Target Decision Date	30.10.2025
Case Officer	Jade Elles
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Departure from the Local Plan

A Members' Update was published before the meeting containing additional information in regard to access, parking and highway safety, further representations received from interested parties and included an additional proposed condition.

The Officer presented the report and then a discussion ensued between Members' and officers.

Following this Councillor C P Morley proposed that they approve this application. This was duly seconded.

Upon a vote being taken the proposal to approve was agreed, subject to the conditions detailed in the report and Members' Update.

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

1. The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.
2. The hairdressers use hereby approved shall be carried out only within the existing store of the garage as identified on approved Location Plan drawing no. LOCATION, and shall be used solely in connection with and ancillary to the residential use of the dwellinghouse known as 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy. The store of the garage shall not be used as a separate planning unit or for any other commercial purpose (including any use within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to the Class in any statutory instrument revoked and re-enacting that order. For the

avoidance of doubt, the building shall not be let, rented, managed or sold independently to the main dwelling.

3. No separate or additional access, hardstanding, boundary fences or curtilage shall be formed to create a distinct plot separation to the main dwelling of 1 Oxley Cottage, 1 Oxley Hill.
4. No noise shall be generated from within the building to cause a statutory nuisance to the residential amenities of neighbouring properties.
5. All staff and visitor parking associated with the hairdressers use hereby approved shall be contained entirely within the existing parking area to the front of the application property known as 1 Oxley Cottage, 1 Oxley Hill (accessed from Oxley Hill). For the avoidance of doubt, no commercial parking is permitted to the rear of the site by way of the existing rear access track.

370. 25/00555/FUL - OS FIELD 6251, COLCHESTER ROAD, GREAT TOTHAM

Application Number	25/00555/FUL
Location	OS Field 6251, Colchester Road, Great Totham
Proposal	The material change of use of land for the stationing of caravans for residential purposes, and dayrooms and hardstanding ancillary to that use
Applicant	William Draper
Agent	Mr Lee Marbury – Green Planning Studio Ltd
Target Decision Date	5 December 2025 (EoT)
Case Officer	Matt Bailey
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan; Called in by Councillor J C Hughes

A Members' Update was published before the meeting containing additional information on the impact on the character of the area

The Officer presented the report. Following this the agent Nathaniel Green addressed the Committee.

A discussion then ensued between Member's and Officers'

Councillor E L Stephens then proposed that they approve this application. This was duly seconded.

Upon a vote being taken the proposal to approve was agreed, subject to the conditions detailed in the report.

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

1. The development hereby permitted shall begin 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 stated on the Decision Notice.

3. The application site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Government's Planning Policy for Traveller Sites (2024).
4. No more than one static caravan and Touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
5. The static caravan referred to within condition 4 above shall be sited in the positions that are demarcated "Proposed Static Caravan" on the approved site plan. Any material change to its position, or replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
6. No commercial activities shall take place on the land, including the storage of materials.
7. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Matthew Game, 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.
8. No development shall take until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: 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.

9. 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 (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) 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.

10. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.
11. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
12. 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:
 1. The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 2. 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 1/l/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).
13. 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.

371. 25/00590/FUL - AGRICULTURAL BARN AT LODDARTS FARM, LODGE ROAD, WOODHAM MORTIMER

Application Number	25/00590/FUL
Location	Agricultural Barn at Loddarts Farm, Lodge Road, Woodham Mortimer
Proposal	Demolition of the existing barn and outbuilding and erection of a new dwelling in the style of the original barn.
Applicant	Mr PJ O'Connor
Agent	Mrs Thalia Vogiatzoglou - Arcady Architects Ltd
Target Decision Date	07.11.2025 (EoT – committee determination required)

Case Officer	Matt Bailey
Parish	WOODHAM MORTIMER WITH HAZELEIGH
Reason for Referral to the Committee / Council	Departure from the local plan

The Officer presented the report. Following this the Agent Chris Wragg addressed the Committee

Councillor E L Stephens then proposed that they approve this application. This was duly seconded.

Upon a vote being taken the proposal to approve was agreed, subject to the conditions detailed in the report.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.
4. 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:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) 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).

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.

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.

5. 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.

- 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.
- 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.
- 8 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, 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.
- 9 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.

- 10 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 (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) 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.
- 11 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.

372. 25/00687/FUL - LAND AT, ST GEORGES HOUSE, CHELMSFORD ROAD, PURLEIGH, ESSEX

Application Number	25/00687/FUL
Location	Land At, St Georges House, Chelmsford Road, Purleigh, Essex
Proposal	New self build chalet bungalow and detached garage
Applicant	Mr Philip Brown
Agent	Newton Studio
Target Decision Date	07.11.2025 (EoT – Committee determination required)
Case Officer	Matt Bailey
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Plan

The Officer presented the report.

Following this Councillor E L Stephens proposed that they approve this application. This was duly seconded.

Upon a vote being taken the proposal to approve was agreed, subject to the conditions set out in the report.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.
4. 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:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) 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)

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.

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.

- 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.
- 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 this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 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.

7. Prior to first occupation of the development the upgraded vehicle access shall be provided as shown in principle on planning drawing no. SP-01 Rev A. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Notwithstanding the details as shown in principle on planning drawing no. SP-01 Rev A, the vehicle access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
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. .

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.

11 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Matthew Game Consultancy, 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.

12 No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

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

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.

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 (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) 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.

15 Prior to commencement of development, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

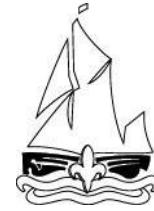
16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.

There being no other items of business the Chairperson closed the meeting at 8.32 pm.

M F L DURHAM, CC
CHAIRPERSON

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Agenda Item 5



REPORT of DIRECTOR OF PLACE, PLANNING AND GROWTH

to
NORTH WESTERN AREA PLANNING COMMITTEE
4 FEBRARY 2026

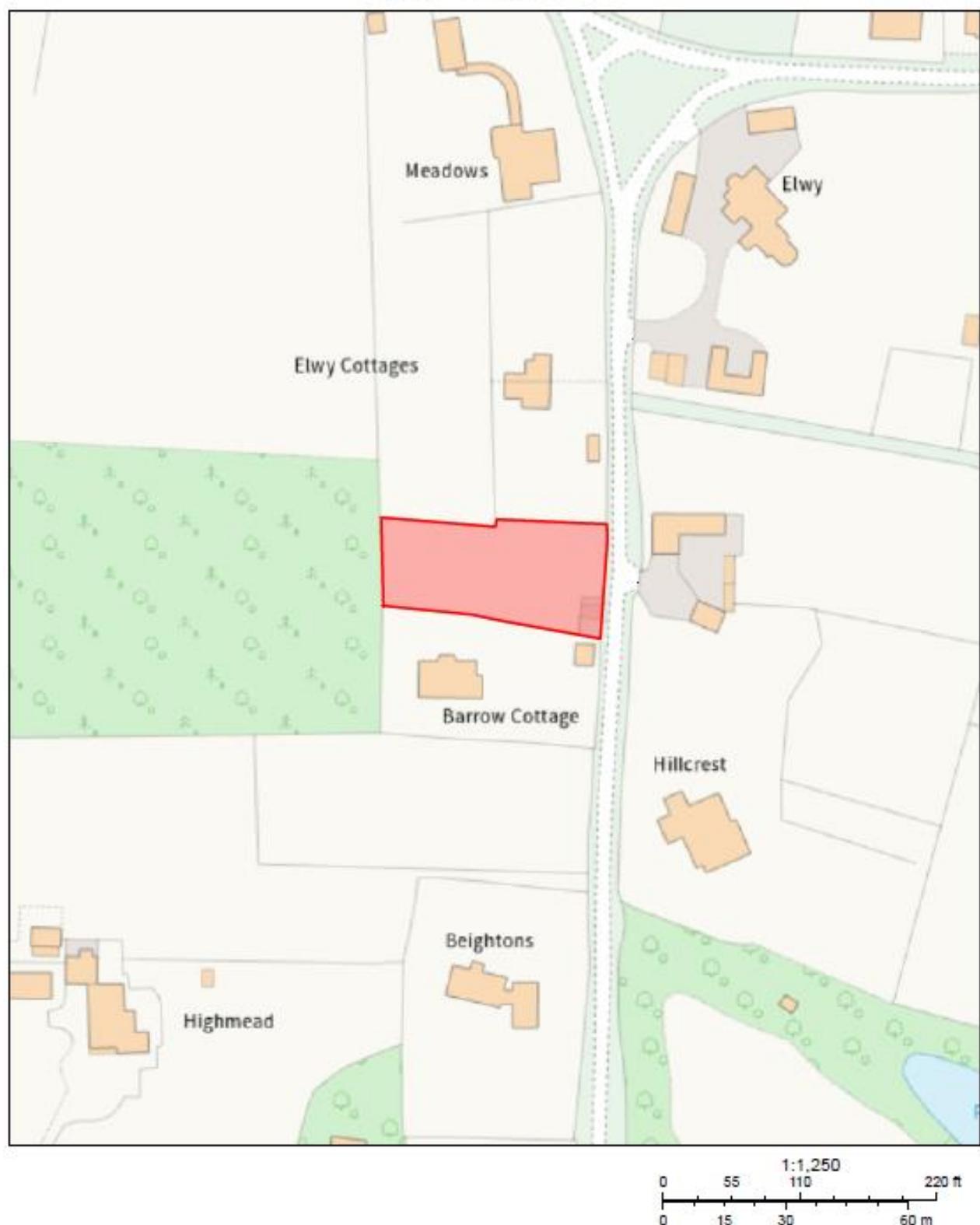
Application Number	25/00524/FUL
Location	Land Adjacent Barrow Cottage, Bassetts Lane, Woodham Walter
Proposal	Cessation of use of land for recreational camp site and erection of single self-build dwelling and associated works
Applicant	Ms Julia Ferrant
Agent	Mr Stephen Locke - Stephen Locke Associates
Target Decision Date	06.02.2026 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	Woodham Walter
Reason for Referral to the Committee / Council	Departure from the local plan Called in by Cllr Durham

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report)

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located to the western side of Bassett's Lane on a parcel of land situated between the residential properties of Elwy Cottages and Barrow Cottage. There are sporadic residential dwellings which extend along Bassett's Lane in a linear pattern, in a variety of sizes and architectural styles.
- 3.1.2 The site lies outside of any defined settlement boundary and within the open countryside, albeit due to its position relative to surrounding development the site is considered to be semi-rural in character – with residential properties extending to the north and south along both sides of the road - and a wide expanse of open agricultural fields to the west.

The Proposal

- 3.1.3 Planning permission is sought for the cessation of use of the land as a campsite and construction of a detached 2 bedroom bungalow with associated landscaping and parking.
- 3.1.4 The proposed dwelling would be sited to the centre of the plot, with a front driveway set behind the existing front hedgerow, accessed via an existing gate which currently provides access to the land for camping use. The proposed dwelling would be of a relatively rural design finished in weatherboarding with clay peg tile roof. A large rear garden is retained, with all existing planting at the site retained and enhanced as part of the proposal.

Conclusion

- 3.1.5 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a 5 year housing land supply, the “titled balance” 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*”

As explained within the report, although the location of the development being outside of any settlement boundary would be contrary to Policy S8 of the LDP, options do exist for bus services to the end of Bassett's Lane to reach facilities further afield. In addition, the proposed development of a single dwelling, when compared to the existing campsite use, would result in a reduced number of potential private car trips to and from the site, as well as associated reduction in impact upon neighbouring occupiers in this regard. For this reason the principle of development is considered on balance acceptable subject to compliance with all other policies contained within the LDP.

- 3.1.6 The design and materials of the proposed development are considered acceptable and would comprise a sensitive “limited infill” style development that is in keeping with the local area both in terms of scale and architectural design. It is considered that a dwelling at the site would not result in any harm in terms of residential

amenity, highways safety, or ecology and biodiversity – subject to planning conditions.

3.1.7 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan 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
- 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
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
- Vehicle Parking Standards SPD
- Woodham Walter Village Design Statement

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF" and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 "*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*".
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area's natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow "*(m) development which complies with other policies of the LDP*".

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 78 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 prepares and publishes a 5 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 5 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 proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5 year housing land supply and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5 year housing land supply, 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 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.
- 5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 In this case, the application site lies outside of any settlement boundary, and does not benefit from any readily available day-to-day services within walking distance. Bus services are available to the south of the site at the junction with Spring Elms Lane and Little Baddow Road which provide twice daily services to Maldon and Chelmsford, though this service is limited. Despite surrounding roads being relatively quiet, safe and suitable for cycling, it is likely that occupiers of the site will have a fair degree of reliance on private car journeys.
- 5.1.13 Nevertheless, considering the overall sustainability of the site in the context of its current use, it is noted that the proposal seeks to replace an existing camping use at

the site (60 days per year), for which the Council confirmed permission would not be required in May 2024 (application ref 24/00362/PN). This *in theory* allows for up to 50 camping pitches across the site, including a further parcel of land to the south of Barrow Cottage) which would be a less sustainable form of development due to the potential number of trips generated.

5.1.14 A number of objections to the proposal have been received which claim that the existing campsite has not been in use for this purpose, and as such any claimed reduction in vehicular trips to/from the site cannot be given any weight. No specific evidence has been provided by the applicant to confirm usage levels at the site – however it is noted that scope does exist under prior approval for the site to be used for this purpose and therefore consideration must be given to this potential use. It is considered (as ECC Highways have confirmed) that the proposed 2 bedroom bungalow at the site would not result in a significant degree of traffic or result in a harmful impact upon existing flows along Bassett's Lane.

5.1.15 Officers also note that the consultation version of the new National Planning Policy Framework (NPPF) refers to “limited infilling within groups of houses” as a specific form of development that can be approved outside of settlements (the current text referring to this in the context of development within the Green Belt. The proposed development in this instance is considered to fall within this category. Whilst in a draft form the approach to such development is consistent with

5.1.16 Therefore, whilst the site does not benefit from a high degree of sustainability, the proposal would not cause significant harm in this regard compared to the campsite use. Taking this into account, along with the “direction of travel” as set out within the draft NPPF, the principle of development is therefore on balance considered acceptable for the purposes of assessment under paragraph 11d of the NPPF.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

5.1.19 Although the location of the development being outside of any settlement boundary would be contrary to Policy S8 of the LDP, the proposed development of a single dwelling, when compared to the existing campsite use, would potentially result in a reduced number of private car trips to and from the site, as well as associated reduction in impact upon neighbouring occupiers in this regard. For this reason the principle of development is considered on balance acceptable subject to compliance with all other policies contained within the LDP.

5.2 Housing Provision and Mix

5.2.1 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.

- 5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. 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.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The proposal would provide for an additional 2-3 bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), 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 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 The proposed dwelling is designed as an L-shaped bungalow, positioned to the centre of the site, and is traditional in both architectural style and materiality. It is noted that the Parish Council have raised concerns regarding the proposed design. Officers note that there is some wide variation in style within the local area and consider that the limited scale of the dwelling coupled with the traditional rural materials proposed would be sympathetic to the surrounding context. The detailing, pitched roof forms and use of timber and clay roof tiles, combine to create a dwelling that is rural in character and in keeping with the surrounding context.
- 5.3.7 Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of a dwelling would not appear out of character in this specific location, given the context of surrounding dwellings along Bassetts Lane on either side of the road.
- 5.3.8 Although the site is relatively open in character when viewed from within, the site is enclosed by substantial dense hedgerows along the front boundary (which would be retained as part of the scheme). This boundary treatment, combined with the low ridge height of the dwelling would mean that only glimpse views of the dwelling would be achieved when passing the site – in a similar fashion to the other residential properties along this section of the road.
- 5.3.9 On the basis of the above, it is considered that the proposal would not result in any 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.

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 Maldon District Design Guide (2017).
- 5.4.2 The proposed dwelling would be sited approximately 5m to the south of the boundary with Elwy Cottages but would be separated by existing planting to that boundary. The nearest cottage is set approximately 30m away from the boundary to the north and therefore a substantial distance from the proposed dwelling. Given the single storey nature of the proposal coupled with this separation distance, no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents to the north.

- 5.4.3 Barrow Cottage to the south is set approximately 20m diagonally from the southern edge of the proposed bungalow and again separated by dense hedgerows along the entire southern boundary. Again, given this natural boundary no concerns are raised in respect of potential loss of privacy or overlooking to this neighbouring property.
- 5.4.4 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.

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 parking spaces for the dwelling and as such complies with this requirement.
- 5.5.5 Essex County Council Highways have been consulted on the proposal and have raised no objection to the proposal subject to proposed conditions relating to cycle parking and travel information packs.
- 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 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 garden proposed in this case would far exceed this requirement and as such the scheme is 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. To the front of the property, a mix of hard and soft landscaping is proposed, with the main hedgerow adjoining the highway retained.

5.6.4 The Council's Trees Officer has been consulted on the proposals and has raised no objection subject to conditions requiring the protection and retention of existing hedgerows at the site, in accordance with the plans submitted.

5.7 Living Conditions for Prospective Occupiers

5.7.1 The submitted plans show a floorspace for the dwelling of approximately 206sqm 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 therefore considered that in relation to living conditions 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 and Drainage

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.

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 site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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 HRA assessment 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 Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from 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 Recreational Avoidance and Mitigation Strategy 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 made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.

5.9.6 The proposal is for a self-build dwelling and is therefore exempt from BNG requirements. The Council's appointed Ecology Consultant has assessed the proposals and has confirmed that the scheme is considered acceptable in ecology terms subject to a series of planning conditions, which would ensure that a Biodiversity Enhancement Strategy is submitted prior to works above slab level, and a sensitive lighting scheme is submitted where external lighting is proposed.

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. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above the site does benefit from access to nearby bus routes, and that the proposed use as a single dwelling would result in less intensive impacts in terms of private car trips when compared to the exiting campsite use. As also 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 an 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 The relevant planning history is set out in the table below:

Application Ref	Description	Decision
09/00163/FUL	Convert barn into six holiday lets with associated external alterations	Refused
09/00791/FUL	Convert barn into four holiday lets with associated external alterations	Refused. Allowed on appeal
10/00901/FUL	Erect cart lodge and gardening store	Refused
10/01058/FUL	Erect balconies to front and rear and change window design in midstreys and additional dormer to rear elevation	Approved
11/00170/FUL	Erect store building (amended proposal)	Refused. Allowed on appeal
18/00300/FUL	Construction of 10 new holiday	Refused. Dismissed on appeal.
24/00243/AGR	Claim for lawful development certificate for a proposed new steel and oak frame barn with hardstanding.	Refused
24/00138/LDP	Claim for lawful development certificate for a proposed use to allow up to 50 pitches for tents, motorhomes or campervans (excluding caravans), for temporary use of land as a recreational campsite for up to 60 days per year.	Withdrawn
24/00362/PN	Prior notification of a temporary recreational campsite on the following dates 25-28th May, 1-2, 8-9, 15-16, 21-23, 28 - 30th June, 5-7, 12-14, 19-21, 26-28th July, 2-4, 9-11, 16-18, 22-31st August and 1, 6-8, 13-15, 20-22, 27-29th September 2024.	Prior Approval Not Required

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish/Town Council	Comment	Officer Response
Woodham Walter Parish Council	Woodham Walter Parish Council RESOLVED to object to the application due to the poor design not reflecting the character of the area and which does not align with Policy D1 (Design Quality and Built Environment) in the Local Development Plan or with the approved Woodham Walter Village Design Statement.	Noted - principle of development discussed at section 5.1 above and design at 5.3 above

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
ECC Highways	No objection subject to conditions relating to cycle parking and resident travel pack conditions	Noted - discussed at section 5.5 above

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and informatics	Noted - discussed at section 5.8 above
Trees	No objection, subject to compliance with the submitted arboricultural impact statement and hedge/shrub protection	Noted - discussed at section 5.9 above
Ecology	No objection subject to conditions relating to submission of a Biodiversity Enhancement Strategy, and Sensitive lighting scheme	Noted - discussed at section 5.9 above

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of site notices posted on the 21 July 2025 (with expiry date for comments set at 12 August 2025). The notices were affixed at eye level to telegraph poles either side of the road adjoining the site. Following unauthorized removal of the notices, two further notices were also posted on the 6 August 2025 (with expiry date for comments set at 28 August 2025).
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 24 July 2025 (with expiry date for comments set at 14 August 2025).

7.5 Representations received from Interested Parties (summarised):

7.5.1 A total of 10 No objections have been received in relation to the proposals, all relevant planning points made within these objections have been summarised as follows:

Topic	Comment	Officer Response
Agricultural Land	Site remains in agricultural use	Noted - discussed at section 5.1 above re existing use and campsite prior notification
Site outside settlement boundary	Contrary to Woodham Walter Village Design Statement	See section 5.1 above
Sustainability	Unsustainable location, long distance from services	See section 5.1 above
Infill development	Infilling development should be unacceptable	See NPPF commentary in section 5.1 above
Existing campsite not used	Comments that campsite is not used therefore the benefit cited by the applicant of reduced traffic is not relevant	Discussed at Section 5.1 above
Narrow Access	Difficulties in maneuvering	ECC Highways comments discussed at section 5.5 above
More traffic on quiet rural lane	Lack of bus routes/ limited service	Noted - discussed at section 5.9 above
Planning History	Previous refusal in 2016, String of previous refusals	Discussed at Section 5.1 above
Layout	Dwelling close to boundary	Discussed at section 5.2
Loss of Wildlife	Deer./foxes/badgers locally	Place Services Ecology no objections – see section 5.9 above
Precedent	Scheme would set a precedent as an infill site	Discussed at Section 5.1 above

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 and supporting statement.
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.

4 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:

- 1) The development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance.
- 2) 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)

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.

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 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 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 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.

- 9 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 SAC and the Crouch and Roach Estuaries SPA, Ramsar & SSSI 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 LPA 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.
- 10 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 General Good Practice Mitigation to avoid Ecological impacts during the construction phase.

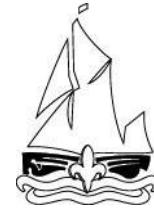
To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- 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

- SK01 Rev A - Ground Floor Plan
- SK02 Rev A - West & South Elevations
- SK03 Rev A - East & North Elevations
- SK04 Rev A - Roof Plan
- SK20 Rev B - Proposed Site Plan
- SK21 - Existing Site Plan
- SK22 - Location Plan
- Arboricultural Impact Assessment
- Planning Statement

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
4 FEBRARY 2026**

Application Number	25/00430/OUT
Location	Land North Of Captains Wood Road, Great Totham
Proposal	Outline application with all matters reserved, except for access for the erection of 2 new dwellings
Applicant	Mr S Hughes and Mr T Hayhoe
Agent	Mr Ian Coward - Collins & Coward
Target Decision Date	06.02.2026 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	Great Totham
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)

2. SITE MAP

Please see overleaf.

25/00430/OUT



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 Captains Wood Road. The site measures 0.14 hectares in area and is approximately 40 metres outside of the settlement boundary for Great Totham and is in open countryside. There is no footway linking the site to the settlement and the speed limit at this section of the highway is 60mph.
- 3.1.2 The site comprises of an area of open grassland, with established trees and vegetation along the boundaries. The application form submitted to support the proposal states that the last use was as stables, however, the site does not have an equestrian use. A section of the front of the site has been cleared, and this is currently bound by metal hoarding.
- 3.1.3 Captains Wood Road is characterised largely by open expanses of agricultural fields. Residential development is predominantly located towards the eastern end of the road within the defined settlement boundary. The site is neighboured on all sides by open countryside, and the character at the site is rural.

The Proposal

- 3.1.4 The application seeks outline planning permission for the development of 2 dwellings with all matters reserved except access.

Conclusion

- 3.1.5 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a 5 year housing land supply, the “titled balance” 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”*
- 3.1.6 As explained within the report, it is considered that the site lies in a sustainable location, with access to local community and convenience shopping facilities within Great Totham at a reasonable distance, and the availability of regular bus services nearby.
- 3.1.7 The indicative design of the proposed development (to be confirmed at reserved matters stage) are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that the dwellings would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to planning conditions.
- 3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (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
- 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
- Vehicle Parking Standards(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 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of

the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 5.1.2 Policy S1 of the LDP states that 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF" and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 "*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*".
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area's natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow "*(m) development which complies with other policies of the LDP*".

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 78 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 prepares and publishes a 5 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 5 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 proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5 year housing land supply and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5 year housing land supply, 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 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.

5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.

5.1.12 In this case, the application site is located just outside of the settlement boundary of Great Totham, which is defined within the adopted LDP as a ‘larger village’. The village plays host to a number of day-to-day services and facilities, including Great Totham Primary School, Great Totham Stores and Post Office, and two Public Houses.

5.1.13 Pavement access from the site into the village is achieved via a pavement along the southern side of Captains Wood Road - whilst the initial section of the route is not lit, the pavement is relatively wide and well maintained. The availability of this walking route, and the associated distances to the services available within the village itself, serve to reduce reliance on the private car for day-to-day needs.

5.1.14 In addition, the site is served by two bus stops (north and south bound) approximately 200m to the west on Maldon Road, which provide links throughout the day via the 75, 90, 504 and 506 routes to Witham, Colchester and Maldon. These provide additional access to a wider range of services – again reducing the reliance on private car use.

5.1.15 In considering the locational sustainability of the site, officers have also taken into account the recent allowed appeal at Land Adjacent And Land West Of 6 Captains

Wood Road (application ref 23/01193/OUT) in which the Planning Inspector concluded that the site could be considered to be in a sustainable location:

"Having regard to the policies in the Framework which direct development to sustainable locations, despite its separation from the defined boundary, the site is well related to the village of Great Totham which is defined by the LP as a Larger Village and which includes a number of services and facilities. There is an existing footpath which runs along the southern side of Captains Wood Road and although this terminates close to the appeal site, it would nonetheless provide a safe and attractive walking route for future occupants of the proposal to access the services and facilities in the village. The site can therefore be considered to be in a sustainable location and would offer a choice of transport modes for its occupants. This would adhere to the relevant policies of the Framework listed in the footnote in this regard."

5.1.16 For the above reasons it is therefore considered on balance that the site in this case, which adjoins the appeal site described above, also lies in a sustainable location for the purposes of assessment under paragraph 11d of the NPPF.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

5.1.19 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LPD, it is considered that 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. For this reason, it is considered that the site constitutes a sustainable location and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

5.2 Housing Provision and Mix

5.2.1 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.

5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. 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.

- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The outline proposal would provide for an additional 2 dwellings. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), given that the net increase in housing is two dwellings, 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 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 Since the application is in outline form (with all matters reserved except for access) no details have been provided in relation to scale, massing and architectural style and materiality of the proposed dwellings. An indicative layout has been submitted however which it is considered demonstrates that the site can readily accommodate two dwellings at the site in an appropriate manner that is in keeping with the pattern of development along the northern side of Captains Wood Road (and accords with the type of development approved at appeal on the adjoining site). Further assessment of the detailed design would take place at reserved matters stage.
- 5.3.7 Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of two dwellings would not appear out of character in this specific location, given the context of existing residential development which extends further westwards on either side of the road from this point, as well as taking into account the recent allowed appeal at the adjoining site.
- 5.3.8 On the basis of the above, it is considered that the proposal would not result in any 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.

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 Again, due to the outline nature of the proposal it is not possible to accurately assess the potential impact of the development until reserve matters stage – however as noted above the indicative layout as shown on the submitted plans reflect the pattern of development along Captains Wood Road and the similar relationships which exist between existing properties to the north east of the site. For these reasons, it is considered that the site could accommodate two dwellings in a manner which preserves the living conditions of neighbouring residents.
- 5.4.3 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.

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 VPS 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 Councils 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 The indicative plans submitted with the application show provision for a shared central access point and detached garage block to the rear of the site, with substantial driveway space for parking of cars. Essex County Council Highways have been consulted on the proposal and have raised no objection to the proposal subject to proposed conditions relating to visibility splay provision, access upgrades, cycle parking and travel information packs.
- 5.5.5 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 VPS 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 bedrooms or more.
- 5.6.2 Although outline in nature, the application plans indicate that the rear garden spaces would exceed the required area considerably as such the site is considered able to accommodate a sufficient level of private amenity space, to be assessed at reserve matters stage.
- 5.6.3 The Council's Trees Officer has been consulted on the proposals and has raised no objection subject to conditions requiring the protection and retention of existing hedgerows at the site, in accordance with the plans submitted.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 No detailed plans have yet been submitted to illustrate the likely size of units provided – nevertheless the footprints of the dwellings shown on indicative plans would suggest that the two proposed dwellings would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015), and would be able to provide acceptable light and ventilation for all habitable rooms. Again, this would be assessed in detail at reserved matters stage.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 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 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 number of informatics relating to waste collection, contamination, and construction.

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 site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (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 LPA should prepare a Habitat Regulation Assessment (HRA) assessment 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 2 no. additional dwellings 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 Recreational Disturbance Avoidance and Mitigation Strategy (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 2 no. additional dwellings (i.e. net increase of dwellings at the site is 2 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 made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.

5.9.6 Whilst the proposal is for self-build dwellings (and therefore exempt from Biodiversity Net Gain requirements) the applicant has submitted a Preliminary Ecological Appraisal (ROAVR, April 2025), which sets out a number of suggested mitigation measures to be incorporated as part of the development. The Council's appointed Ecology Consultant has confirmed that the scheme is considered acceptable in ecology terms subject to a series of planning conditions, 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, that a Biodiversity Enhancement Strategy is submitted prior to works above slab level, and a sensitive lighting scheme is submitted where external lighting is proposed.

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 two additional dwellings. There would also be economic activity associated with the prospective occupier of the dwellings. Whilst the dwellings would be located outside of a defined settlement boundary, as set out above it is considered that the site benefits from access to nearby services and bus routes and as such is considered to be in a sustainable location. As also 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 two additional dwellings 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

Application Ref	Description	Decision
23/00497/OUT	Outline planning application with some matters reserved for the enlargement of existing access and erection of 2 No detached bungalows	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The land is outside the development boundary and on a road unsuitable for increased traffic.</p> <p>However, if this was to be granted against our recommendation, Members have asked if there could be consideration given to the road being widened at this point, the hedge pushed back and a pedestrian pavement installed to increase what is currently an unsafe road for pedestrians.</p>	Noted - principle of development discussed at section 5.1 above and highways at section 5.5 above.

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
ECC Highways	<p>(in response to amended plans)</p> <p>No objection, subject to conditions relating to vehicular access widening and visibility splays, cycle parking and resident travel pack conditions</p>	Noted - discussed at section 5.5 above

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and informatics	Noted - discussed at section 5.8 above
Ecology	No objection subject to conditions requiring submission of a mobile species scheme and Biodiversity Enhancement Strategy,	Noted - discussed at section 5.9 above

7.4 Site Notice / Advertisement

7.4.1 The application was advertised by way of a site notice posted on the 9 May 2025 (with expiry date for comments set at 16 June 2025). The notice was affixed at eye level to a telegraph pole 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 the 15 May 2025 (with expiry date for comments set at 5 June 2025).

7.5 Representations received from Interested Parties (summarised):

7.5.1 One email of support has been received in relation to the proposals, specifically offering support for the improved visibility splays proposed.

8. PROPOSED CONDITIONS

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
4. The development hereby permitted shall be carried out in accordance with Brown & Cos site location plan.
REASON: To ensure that the development is carried out in accordance with the details as approved
5. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved LDP and guidance contained within the National Planning Policy Framework.
6. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. Proposed finished levels contours;

- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved 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.

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

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

7. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no development shall commence until satisfactory information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree Protection Plan
 - Arboricultural Impact Assessment
 - Arboricultural Method Statement (including drainage service runs and construction of hard surfaces)

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

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District 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.

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) are 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 T1 and T2 of the approved Maldon District Local Development Plan.
10. 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:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) 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 1/l/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)
REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy D2 of the Maldon District Local Development Plan (2017).
11. No development works shall occur above ground level until details of the foul drainage scheme to serve the development have been 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 prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan (2017).
12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ROAVR, November 2025) as submitted with the 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 and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species

13. No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- 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 and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

14. Prior to installation of any external lighting to the dwelling, a scheme for sensitive lighting 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, contour 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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

15. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

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

- e. no waste materials should be burnt on site, instead being removed by licensed waste contractors.
- f. no dust emissions should leave the boundary of the site.
- g. consideration to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- h. hours of works undertaken only 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interest of protecting residential amenity, in accordance with Policies D1, D2, D5 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

INFORMATIVES

Drainage

- In order to satisfy the surface water drainage 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 the developer will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- The developer 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.
- Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were 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 and a scheme to bring the site to a suitable condition be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and the Environment Agency's 'Land Contamination Risk Management' guidance.
- 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 for more information on General binding rules for small sewage discharges.

- 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.

Highways

- There shall be no discharge of surface water from the development onto the Highway.
- 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 applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Construction

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - no waste materials should be burnt on the site, instead being removed by licensed waste contractors.
 - no dust emissions should leave the boundary of the site.
 - consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site.
 - hours of works: works should 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 and Public Holidays.

Waste Management

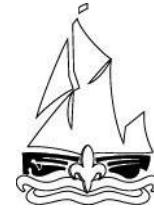
- The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's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

APPLICATION PLANS

- 3688.02 - Location Plans
- 3688.01 Rev A Proposed Site Plan
- Preliminary Ecological Appraisal

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Agenda Item 7



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
4 FEBRARY 2026**

Application Number	25/00730/FUL
Location	Land West of 8 Captains Wood Road, Great Totham
Proposal	Proposed self-build 4-bedroom detached house, garage and driveway.
Applicant	Nicholas Carlton
Agent	-
Target Decision Date	06.02.2026 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	Great Totham
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)

2. SITE MAP

Please see overleaf.

25/00730/FUL – Land West Of 8 Captains Wood Road – Great Totham



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Maldon District Council

Maldon District Council 100018588 2014



www.maldon.gov.uk

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 Captains Wood Road. The site measures 0.12 hectares in area and is approximately 40 metres outside of the settlement boundary for Great Totham in open countryside. There is no footway linking the site to the settlement and the speed limit at this section of the highway is 60mph. The site currently comprises of an area of open grassland, with limited vegetation along the boundaries.
- 3.1.2 The western end of Captains Wood Road is characterised largely by open expanses of agricultural fields, with residential development extending westwards from the settlement boundary on both sides. The site itself adjoins an existing residential property to the east and an open field to the west – though it is noted that outline planning permission has been granted for residential development of this site at appeal in 2024 (application ref 23/01193/OUT).

The Proposal

- 3.1.3 Planning permission is sought for the construction of a detached four-bedroom dwelling and detached garage, with associated landscaping.
- 3.1.4 The proposed dwelling would be sited to the centre of the plot, with the detached garage positioned forwards of the new dwelling in a similar manner to the neighbouring property to the east. A substantial permeable front driveway to the front of the dwelling would provide additional parking for two further cars, with access taken directly from Captains Wood Road. A generous garden is provided to the rear with all existing planting at the site retained and enhanced where possible as part of the proposal – and additional hedge planting along the rear boundaries.

Conclusion

- 3.1.5 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a 5 year housing land supply, the “titled balance” 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”*
- 3.1.6 As explained within the report, it is considered that the site lies in a sustainable location, with access to local community and convenience shopping facilities within Great Totham at a reasonable distance, and the availability of regular bus services nearby. This has been confirmed in the recent allowed appeal decision at the adjoining site (see appendix 1).
- 3.1.7 The design and layout of the proposed development are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that the dwelling would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to planning conditions.

3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (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
- 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
- Vehicle Parking Standards (VPS) SPD (Supplementary Planning Document)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF' and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 "*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*".
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area's natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow "*(m) development which complies with other policies of the LDP*".

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 78 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 prepares and publishes a 5 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 5 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 proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5 year housing land supply and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5 year housing land supply, 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 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.
- 5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 In this case, the application site is located just outside of the settlement boundary of Great Totham, which is defined within the adopted LDP as a 'larger village'. The village plays host to a number of day-to-day services and facilities, including Great Totham Primary School, Great Totham Stores and Post Office, and two Public Houses.
- 5.1.13 Pavement access from the site into the village is achieved via a pavement along the southern side of Captains Wood Road - whilst the initial section of the route is not lit, the pavement is relatively wide and well maintained. The availability of this

walking route, and the associated distances to the services available within the village itself, serve to reduce reliance on the private car for day to day needs.

- 5.1.14 In addition, the site is served by two bus stops (north and south bound) approximately 200m to the west on Maldon Road, which provide links throughout the day via the 75, 90, 504 and 506 routes to Witham, Colchester and Maldon. These provide additional access to a wider range of services – again reducing the reliance on private car use.
- 5.1.15 In considering the locational sustainability of the site, officers have also taken into account the recent allowed appeal at Land Adjacent And Land West Of 6 Captains Wood Road (application ref 23/01193/OUT) in which the Planning Inspector concluded that the site could be considered to be in a sustainable location:

“Having regard to the policies in the Framework which direct development to sustainable locations, despite its separation from the defined boundary, the site is well related to the village of Great Totham which is defined by the LP as a Larger Village and which includes a number of services and facilities. There is an existing footpath which runs along the southern side of Captains Wood Road and although this terminates close to the appeal site, it would nonetheless provide a safe and attractive walking route for future occupants of the proposal to access the services and facilities in the village. The site can therefore be considered to be in a sustainable location and would offer a choice of transport modes for its occupants. This would adhere to the relevant policies of the Framework listed in the footnote in this regard.”

- 5.1.16 For the above reasons it is therefore considered on balance that the site in this case, which adjoins the appeal site described above (and is closer to the village), also lies in a sustainable location for the purposes of assessment under paragraph 11d of the NPPF.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

- 5.1.19 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LPD, it is considered that 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. For this reason it is considered that the site constitutes a sustainable location and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national planning practice guidance. This assessment forms the starting

point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.

- 5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. 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.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The proposal would provide for an additional four-bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), 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 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 designed in a similar form and style to the existing property at No 8 Captains Wood Road and is traditional in both architectural style and materiality. The detailing, pitched roof forms and traditional palette of red brick, render with weatherboarding and clay peg roof tiles are considered appropriate in terms of the local context. The applicant has provided details of the palette of materials proposed – both in relation to the dwelling and also hard and soft landscaping and boundary treatments.
- 5.3.7 Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of a dwelling would not appear out of character in this specific location, given the context of existing residential development which extends further westwards on either side of the road from this point, as well as taking into account the recent allowed appeal at the adjoining site.
- 5.3.8 On the basis of the above, it is considered that the proposal would not result in any 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.

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 proposed dwelling would be sited to the middle of the plot, approximately 10m southeast of the neighbouring No 8 – with the proposed detached garage set further forward also as with the neighbouring property. Additional hedge planting is proposed to the eastern and western boundaries within the garden which would serve to increase privacy for occupiers of both properties. 45-degree lines have been provided to confirm that the proposed dwelling would not adversely affect the existing neighbouring dwelling in terms of daylight/sunlight. For these reasons, no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents.
- 5.4.3 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.

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 VPS 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 5 parking spaces for the dwelling and as such exceeds the requirement considerably.
- 5.5.5 Following re-consultation relating to visibility splays to the front of the site, Essex County Council Highways have raised no objection to the proposal subject to proposed conditions relating to visibility splay provision, access upgrades, cycle parking and travel information packs.
- 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 VPS 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 far exceed this requirement and as such the scheme is considered to be acceptable in terms of amenity space provision.
- 5.6.3 The Council's Trees Officer has been consulted on the proposals and has raised no objection subject to conditions requiring the submission of a detailed tree report and protection and retention of existing hedgerows at the site, in accordance with the plans submitted.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 236sqm 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 therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD

5.8 Flood Risk and Drainage

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 number of informatics relating to waste collection, contamination, and construction.

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 Recreational Disturbance Avoidance and Mitigation Strategy (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) assessment 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 (NE). To accord with NE's requirements and strategy advice, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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. 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 £169.45 and thus, the developer contribution should be calculated at this figure. The applicant has made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.
- 5.9.6 The proposal is for a self-build dwelling and is therefore exempt from Biodiversity Net Gain requirements. The Council’s appointed Ecology Consultant has confirmed that the scheme is considered acceptable in ecology terms subject to a series of planning conditions, which would ensure that the development is carried out in accordance with the recommendations set out within the reports submitted as part of the application, and that a mobile species survey and Biodiversity Enhancement Strategy are submitted prior to works above slab level.

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. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above it is considered that the site benefits from access to nearby services and bus routes and as such is considered to be in a sustainable location. As also 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 an 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

Application Ref	Description	Decision
14/00365/OUT	Erection of 2 houses	Refused
16/01375/FUL	New single storey bungalow for residence by owner of land	Refused
22/00236/PIP	Self-build house with detached garage and vehicle access.	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The land is outside the development boundary.</p> <p>This would lead to overdevelopment of the site.</p> <p>This would lead to increased traffic on a road that is already struggling to cope with the current volume of traffic.</p>	Noted - principle of development discussed at sections 5.1 and 5.5 above

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
ECC Highways	<p>(in response to amended plans)</p> <p>No objection, subject to conditions relating to vehicular access widening and visibility splays, cycle parking and resident travel pack conditions</p>	Noted - discussed at section 5.5 above

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to informatics	Noted - discussed at section 5.8 above
Trees	No objection, subject to submission of the arboricultural report and protection	Noted - discussed at section 5.9 above

Internal Consultee	Comment	Officer Response
	details	
Ecology	No objection subject to conditions requiring submission of a mobile species scheme and Biodiversity Enhancement Strategy,	Noted - discussed at section 5.9 above

7.4 **Site Notice / Advertisement**

- 7.4.1 The application was advertised by way of a site notice posted on the 16 October 2025 (with expiry date for comments set at 7 November 2025). The notice was affixed at eye level to a telegraph pole 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 the 18 August 2025 (with expiry date for comments set at 9 October 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**

- 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 and Design and Access Statement.
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.
- 4 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:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) 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 1/l/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)

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.

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 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.

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. Prior to first occupation of the development the upgraded vehicle access shall be provided as shown in principle on planning drawing no. BPHDE03_HWAY. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. The vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
REASON: To 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. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.
REASON: To protect existing trees at the site in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

12. A Mobile Species Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to hedgehogs and other small mammals during the construction phase.
The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

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.

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 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 AND DOCUMENTATION

- DWG-SS-06 - Street Scene
- BP-CMBD-01 - Block Plan – Combined
- BP-SLPE-04 - Block Plan - Soft Landscaping
- BP-HLPE-03 - Block Plan - Hard Landscaping
- BP-DGE-010 - Block Plan - Drainage Details
- BPHDE03_HWAY – Visibility Splays
- GGE-011 - Garage Details
- PPM01 - Plot Plan - Measurements
- LP-01 Location Plan
- Planning Statement
- Hard Landscaping Design & Compliance Statement
- Highways & Access Statement
- External Materials and Finishes
- Ecology and Biodiversity Net Gain Statement
- Drainage Strategy and Compliance Statement
- Design and Access Statement
- Construction Management Statement
- Self-Build and Custom Housebuilding Biodiversity Net Gain Exemption Statement