

15 September 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;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 23 SEPTEMBER 2026** at **7.30 pm**

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

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A copy of the agenda is attached.

Yours faithfully

Chief Executive

COMMITTEE MEMBERSHIP:

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

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



**AGENDA
CENTRAL AREA PLANNING COMMITTEE**

WEDNESDAY 23 SEPTEMBER 2026

1. **Chairperson's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 29 July 2026, (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. **26/00406/VAR - Suez Depot, Parks Trading Unit Workshop The Depot, The Promenade Park, Park Drive, Maldon, Essex** (Pages 15 - 24)

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

6. **26/00372/FUL - Land at Walnut Tree Cottage, 44 Beeleigh Road, Maldon, CM9 5QJ** (Pages 25 - 44)

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

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

Note:

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

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

NOTICES**Recording of Meeting**

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

Fire

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Health and Safety

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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.

MALDON DISTRICT COUNCIL

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](#)
- [Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [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 \(NPPF\)](#) New NPPF published 17 August 2026
- [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 \(RAMS\) 2026 SPD](#)

- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five-Year Housing Land Annual Supply Statement – February 2025](#)

Local-scale

- [Heybridge Basin Village Design Statement – 2006](#)
- [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 2021](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
 - [Assessment of Selected Sites](#)
 - [Maldon District Local Wildlife Sites Register 2022](#)
 - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
 - [Appendix G](#)
 - [Appendix H](#)
 - [Appendix I](#)
 - [Appendix J](#)

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



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
29 JULY 2026**

PRESENT

Chairperson	Councillor P L Spenceley
Councillors	J R Burrell-Cook, S Dodsley, K Jennings, N D Spenceley, J C Stilts and N J Swindle
Officers (Maldon District Council)	Mr Johnson, Head of Development Management and Building Control Ms Beighton, Development Management Team Leader Ms Mumford, Planner

1. CHAIRPERSON'S NOTICES

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S J Burwood, J Driver and K M H Lagan.

3. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 15 April 2026 be received.

Minute No. 433 Apologies for Absence

Councillor J R Burrell-Cook advised that he had tendered his apologies for this meeting but they had not been recorded. The Chairperson advised that this would be amended.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 15 April 2026 be confirmed.

4. DISCLOSURE OF INTEREST

There were none.

5. **26/00228/OUTM - LAND AT BLACKWATER TRADING ESTATE, THE CAUSEWAY, MALDON, ESSEX**

Application Number	26/00228/OUTM
Location	Land At Blackwater Trading Estate, The Causeway, Maldon, Essex
Proposal	Erection of warehouse units with associated vehicle parking and servicing (Renewal of planning permission OUTM/MAL/21/00540 as modified by VARM/MAL/23/00882).
Applicant	Aquila EHS Ltd
Agent	Aquila EHS Ltd
Target Decision Date	31/07/2026
Case Officer	Charlie Mumford
Parish	Maldon North
Reason for Referral to the Committee / Council	Major Application

The Chairperson drew Members' attention to an Addendum which had been circulated prior to the meeting and provided the following information:

- Any reference within the report to paragraph 4.2.5 should have read 5.2.5
- The Lead Local Flood Authority (LLFA) had been consulted and, following a reassessment of the scheme against updated national and local Sustainable Drainage Systems (SuDS) policies and revised climate change allowances, raised no objection subject to conditions requiring the submission of detailed surface water drainage schemes prior to commencement. Concerns relating to climate change allowances, water quality treatment, and the management of runoff from the warehouse roofs and car parking areas were addressed through the recommended conditions, which ensured appropriate onsite treatment prior to discharge. Officers were satisfied that these requirements could be met via conditions as recommended by the LLFA and there were no further concerns in regard to SuDs.
- There were further amendments to paragraph numbers detailed in section 7.2 of the report.
- Following the further information received from the LLFA an amendment to condition 18 and a new condition 32 were detailed.

Following the Officer presentation, some Members commented on the proposal. In response to a question regarding screening along the side of the site adjacent to the sea wall, the Officer advised that could be considered but would form part of the Reserved Matters application.

The Chairperson then moved the recommendations set out in the report, subject to the amendment to condition 18 and additional condition 32. This was duly seconded and upon a vote being taken was duly agreed.

RESOLVED

- (i) that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed below.

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- A monitoring fee for the Travel Plan of £7,531 (plus the relevant sustainable travel indexation) shall be paid before occupation to cover the five-year period.

CONDITIONS:

- 1 Details of the appearance and landscaping (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the LPA no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

- 2 As part of the reserved matters details of the siting, height, design, and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.

- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

- 4 Prior to the commencement of development, details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning

Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.

- 5 Prior to their use in the construction of the development, product details and high-quality photographs or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 6 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. working hours
 - f. noise control measures
 - g. dust suppression measures
 - h. complaints procedures
- 7 The development hereby approved shall not be occupied until such time as the vehicle parking and turning area indicated on planning application drawing number 21/02/03 REV B, has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 8 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility, which details shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved, shall be secure, convenient, covered and retained in perpetuity.
- 9 Prior to first occupation of the development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £7,531 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the five-year period.
- 10 No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards Supplementary Planning Document (SPD) (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.

- 11 No building hereby permitted shall be used until details of the number and location of car parking spaces for disabled people in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The parking spaces for disabled people shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
- 12 The hours of operation of the B8 units hereby permitted shall be between:
- Monday to Saturday 0700 hours until 2300 hours only
- 13 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
- 14 The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood evacuation plan shall previously have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.
- 15 Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.
- 16 The premises shall only be used for storage and distribution purposes which are defined within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 17 No buildings or fixed above ground structures shall be placed within 20.5 metres of the landward toe of the defence, as detailed on drawing 21/02/03 revision B, dated Apr 21, provided within Appendix B of the Flood Risk Assessment Addendum No.2, dated January 2022.
- 18 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage

principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event OR demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus 45% climate change.
- Where the discharge is to a watercourse, the outfall should be above the 1 in 100 plus climate change level or alternatively the effect of surcharging of the outfall should be modelled and appropriate measures should be put in place.
- Final modelling and calculations for all areas of the drainage system. The calculations should use a MADD Factor of 0.
- The appropriate level of treatment for all runoff leaving the site (including roofs, car parking areas etc), in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. A sufficient treatment train of SuDS components should be provided to mitigate the sites High Pollution Hazard Level, with a minimum of two stages of treatment prior to discharge to be provided. Above ground SuDS features are preferable, and justification should be provided where not proposed.
- If gravity discharge is not possible, sites using a pumping system should demonstrate the risk associated with pump failure/blockage, including mitigation against pollution and flooding.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

- 20 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority.
- 21 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 22 No development, including ground works or demolition, shall take place during prolonged periods of cold weather between October - March inclusive. In the event of a works suspension due to prolonged cold weather, work can resume after three days of thaw. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), advice should be sought from the Site Ecologist or Ornithologist who shall base their guidance on the advice contained within the website of the Joint Nature Conservation Committee regarding a "Scheme to reduce disturbance to waterfowl during severe winter weather" or any other advice amending or revoking that advice.
- 23 No development, including ground works or demolition, shall commence until a Construction Environmental Management Plan and an Operational Environmental Management Plan have been submitted to and approved in writing by the Local Planning authority.
- 24 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Crossland Ecology, March 2026), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The development hereby approved shall operate in accordance with the approved mitigation measures in perpetuity.

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.

- 25 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Crossland Ecology, March 2026), 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 and shall be retained in that manner thereafter.

- 26 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title submits a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
 - 27 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 24 above, and any subsequent mitigation has been agreed.
 - 28 The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within six months of the date of completion of the archaeological fieldwork.
 - 29 Noise from plant and equipment shall not exceed the existing background sound level (LA90) at the nearest noise-sensitive receptors, in accordance with BS4142.
 - 30 A post-installation noise assessment shall be undertaken to demonstrate compliance with the above criteria, with mitigation implemented if required.
 - 31 No development shall commence until a phased land contamination assessment (Phase 1, Phase 2 if required, remediation and verification) has been completed and approved.
 - 32 The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
- (i) That if the Section 106 legal agreement was not completed within six months of the date of this District Planning Committee (or a longer timeframe if agreed by the Director of Place, Planning and Growth) then the planning application would be **REFUSED** under delegated powers, subject to the referral of the case to the Secretary of State for a period of at least 21 days, who may opt to call-in the decision as per the Town and Country Planning (Consultation) (England) Direction 2026.

There being no other items of business the Chairperson closed the meeting at 7.48 pm.

P L SPENCELEY
CHAIRPERSON



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

to
CENTRAL AREA PLANNING COMMITTEE
23 September 2026

Application Number	26/00406/VAR
Location	Suez Depot, Parks Trading Unit Workshop The Depot, The Promenade Park, Park Drive, Maldon, Essex
Proposal	Variation of condition 5 on approved planning permission 16/00234/FUL (Variation of condition 9 on approved planning permission FUL/MAL/11/00334. The application proposes to permit the Waste Refuse Contract, which operates out of Maldon Depot, to operate for an additional hour (between 18:00 and 19:00 hours) Tuesday to Saturday (excluding Bank Holidays)) - to enable operation between 06:00 and 18:00 hours on up to two Bank Holiday Mondays in any calendar year.
Applicant	Ms Eleanor Crick
Agent	Ms Eleanor Crick
Target Decision Date	25.09.2026
Case Officer	Charlie Mumford
Parish	Maldon Town Council
Reason for Referral to the Committee / Council	Council Owned Land

1. RECOMMENDATION

APPROVE subject to conditions as detailed in Section 8.

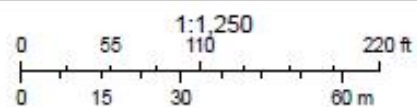
2. SITE MAP

Please see below.



9/4/2026, 4:17:47 PM

■ GMS BLPU Points



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated on the eastern side of Park Drive, within the settlement boundary of Maldon but outside of the Maldon conservation area, behind the Park Drive Leisure Centre which lies to the west and to the south of the Promenade Park, accessed by a small access road. The site comprises hardstanding and parking for waste lorries and various outbuildings used for the day to day running of the Council's Waste Contract with Suez. The immediate area surrounding the site is park land and leisure sites. To the west, approximately 200 metres away, lies a large residential area of Maldon.
- 3.1.2 The site is an owned asset of Maldon District Council, which previously formed a part of the Promenade Park Depot and covers an area of approximately 4732 sqm, which sits within Flood Zone 2. The River Blackwater is, at its closest, 275 metres from the site and lies to the north and east.
- 3.1.3 The proposal seeks the variation of condition 5 on planning permission 16/00234/FUL granted permission on the 26 April 2016. The approved condition reads as follows:

CONDITION 5

The waste refuse contract shall only operate from the site between 06:00 hours and 18:00 hours on Mondays, between 06:00 hours and 19:00 hours Tuesday to Saturday, and not at any time on Sundays and Bank Holidays.

REASON

In order to ensure the appropriate use of the site in accordance with policy E7 of the adopted Maldon District Replacement Local Plan.

- 3.1.4 Specifically, the proposal seeks to amend the wording of the condition to allow an addition of hours to enable operation between 06:00 and 18:00 hours on up to two Bank Holiday Mondays in any calendar year.
- 3.1.5 The application was submitted along with a planning statement to support the justification of the addition of hours. The statement states that the proposal *'arises from changes made in recent years to the residential kerbside collection routes, whereby collections in Maldon—the largest residential area within the Maldon District—now take place on Fridays...Where a Bank Holiday falls on a Friday, with a subsequent Bank Holiday also occurring on the following Monday (this can occur on up to two occasions per year depending on the timing of Christmas Day, Boxing Day and New Year's Day), the catch-up service is currently undertaken on the Saturday following the Friday Bank Holiday. Operational experience has shown that Saturdays following a Friday Bank Holiday are subject to high levels of traffic congestion, and the provision of the service on these days results in increased disruption to residents. In addition, some Saturdays following a Friday Bank Holiday are non-working days (i.e. they may be Christmas Day or Boxing Day). It is therefore proposed that the catch-up collection be undertaken on the following Bank Holiday Monday, which would reduce congestion and improve overall service efficiency'*.

3.2 Conclusion

- 3.2.1 Having taken all considerations into account, and that there are no objections to the principle of the revised and additional hours, it is considered that the variation of Condition 5 would not cause detrimental harm to the character or appearance of the surrounding area, would not impact on the amenity of the neighbouring residential properties nor the proposed access and parking provision and on balance any negative impacts in terms of noise and disturbance would be far outweighed by the benefits to the community. Therefore, the development, complies with the National Planning Policy Framework (NPPF) and relevant policies of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including chapters and policies:

- Chapter 3 Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 12 Making effective use of land
 - L2 Making effective use of land
- Chapter 14 Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 17 Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
 - P4 Impact of development on existing activities
- Chapter 19 Conserving and enhancing the natural environment
 - N2 Improving the natural environment

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

- Policy S1 – Sustainable Development
- Policy S5 – The Maldon and Heybridge Central Area
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy E1 – Employment
- Policy E3 – Community Services and Facilities
- Policy H4 – Effective Use of Land
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

- Policy I1 - Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its approved LDP unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).
- 5.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 48 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.3 In considering this application it must first be determined whether the proposal falls within the parameters of a Section 73 application.

Does the proposal fall within the parameters of a Section 73 application?

- 5.1.4 Lord Justice Lewison in a recent court judgment in the Court of Appeal between John Leslie Finney and Welsh Ministers, Carmarthenshire County Council and Energiekontor (UK) Limited [2019] EWCA Civ 1868 established the purposes of a Section 73 application. In particular Lord Justice Lewison stated that *“On receipt of such an application section 73 (2) says that the planning authority must “consider only the question of conditions”. It must not, therefore, consider the description of the development to which the conditions are attached. The natural inference from that imperative is that the planning authority cannot use section 73 to change the description of the development... It is notable, however, that if the planning authority considers that the conditions should not be altered, it may not grant permission with an altered description but subject to the same conditions. On the contrary it is required by section 73 (2) (b) to refuse the application. That requirement emphasises the underlying philosophy of section 73 (2) that it is only the conditions that matter.”*
- 5.1.5 The above judgement has been further endorsed recently in the case of Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor [2023] EWHC 142 where the High Court stated that *‘section 73 is clearly intended to be a provision which enables a developer to make a section 73 application to remove or vary a condition, provided of course that the application does not conflict with the operative part of the planning permission’*
- 5.1.6 On the basis of the above judgement, it is clear that permission for a Section 73 application shall only be granted for the same development and any variation shall only relate to the conditions imposed to the original permission.

- 5.1.7 This Section 73 application does not alter the description of the proposed development previously approved and as such, the proposal would fall under the parameters of a Section 73 application.
- 5.1.8 Planning permission to establish a waste transfer station to enable safe management of waste prior to transfer was granted under the terms of application FUL/MAL/04/00533 approved in 2004 and subsequently varied under FUL/MAL/11/00811 and FUL/MAL/16/00234 in 2011 and 2016 respectively. The development would not alter the principle of this permission as the nature of the development would remain unchanged. Furthermore, policy I1 in the Local Development Plan works to ensure that *'existing infrastructure and services are protected and / or improved to meet the existing and future needs of the District'* of which this would apply.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high-quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high-quality new development and its importance is reflected in the NPPF.
- 5.2.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Similar support for high-quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG).
- 5.2.3 The proposed amendments would not make any change to the design of the site, would not warrant a new application and would result in no further harm to the site or wider area in terms of design. Therefore, it accords with Policy D1 and H4 of the approved LDP.

5.3 Impact on Residential Amenity

- 5.3.1 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. Policy H4 points out that a poorly designed scheme can have a significantly detrimental impact to the original character and the street scene in terms of extensions and alterations within the street scene and seeks schemes to complement and even enhance an existing property and its surrounding, including in that, the property's neighbours. This is supported by section C17 of the MDDG (2017).
- 5.3.2 The application site lies approximately 200 metres to the east of a large residential area of Maldon, intersected by Park Drive and various community leisure facilities.
- 5.3.3 The proposal to modify condition 5 with the addition of hours to enable operation between 06:00 and 18:00 hours on up to two Bank Holiday Mondays is likely to have no impact to residential amenity in terms of impacts such as overlooking, loss of privacy, overbearing or overshadowing, as the change in hours is not expanding the physical footprint of the site and is far enough away from residential properties. Likewise, disturbance in terms of smell would not be exacerbated by additional hours given the existing harm.

- 5.3.4 Concerns with regard to noise, and disturbance arising from this, however, have been raised by the Council's Environmental Health Officer. Given the start time of 06:00 there is likely to be some disturbance in terms of vehicle movements and associated dept activities. However, the benefit to the local community (as discussed in the submitted planning statement and quoted in paragraph 2.3 of this report) versus the additional noise for the maximum of two bank holidays, in the form of an improved waste service, would outweigh the negative impacts of possible increased noise. The Council's Environmental Health Officer raises no objections to the addition of hours, on the proviso that it is limited to the two bank holidays (as proposed). Therefore, the amendments are not considered to have a harmful impact in terms of neighbouring amenity.
- 5.3.5 No neighbouring objections have been received.
- 5.3.6 In consideration of the above, it is considered that the amendments would not represent an unneighbourly form of development or give arise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards 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.
- 5.4.2 The amendments proposed would not impact on the parking provided to the site. Therefore, no objection is raised and the development remains in accordance with Policy D1 and T2 and the Maldon District Vehicle Parking Standards.

5.5 Other Matters

- 5.5.1 As the application has been submitted as an application to vary Condition 5 of the original planning permission, under the terms of Section 73 of the Town and Country Planning Act, it is considered necessary to impose a modified list of the original conditions, which should be adjusted to reflect changing circumstances, the discharge of conditions and changes to the relevant policies.
- 5.5.2 The wording of condition 5 (condition 4 following this application and its changes) will be updated to reflect the addition of the bank holiday hours.

6. ANY RELEVANT SITE HISTORY

Reference	Description	Decision
FUL/MAL/02/00769UL	Demolition of storage sheds and erection of new shed for tractor storage.	Approved
FUL/MAL/04/00533	Establish waste Transfer station to enable safe management of waste prior to transfer.	Approved
FUL/MAL/11/00811	Amendment to FUL/MAL/11/00334 - to increase boundary fence height from 2m to 3m.	Approved

	Increase length to incorporate east, south and partial west boundaries of depot site. Screen fencing by planting mixed native hedging inter-planted with standard native trees	
FUL/MAL/14/00133	Variation on condition 9 of approved planning permission FUL/MAL/11/00334 relating to operating times, to read 'The waste refuse contract shall only operate from the site between 06:00 hours and 18:00 hours on weekdays and Saturdays and not at any time on Sundays and Bank Holidays, with the exception of Good Friday and any other times agreed in writing by the Local Planning Authority	Refused
FUL/MAL/16/00234	Variation of condition 9 on approved planning permission FUL/MAL/11/00334. The application proposes to permit the Waste Refuse Contract, which operates out of Maldon Depot, to operate for an additional hour (between 18:00 and 19:00 hours) Tuesday to Saturday (excluding Bank Holidays).	Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support– notes disappointment about retrospective application.	Noted - Officer can confirm that application is not retrospective but is a variation of a condition. (Section 73 rather than Section 73A retrospective).

7.2 **Internal Consultees (*summarised*)**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections.	Noted – see 4.3.4

7.3 **Site Notice / Advertisement**

Notice Type	Posted Date	Expiry Date for Comments	Location
Site Notice	15.07.2026	05.08.2026	Attached to lamppost at end of access, adjacent Park Drive.
Newspaper Advertisement	02.07.2026	23.07.2026	N/A

7.4 Representations received from Interested Parties (summarised)

7.4.1 No representations have been received

8. PROPOSED CONDITIONS.

Conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings, details and vehicle movements as contained in the Design and Access Statement which are attached to and form part of this permission and the submitted detailed specifications.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The surface water and foul drainage scheme to serve the development shall be carried out in accordance with the details agreed in the letter dated 5th October 2011 from the Council to Mr Cooke.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with Government Guidance PPS 25 'Planning and Flood Risk'.
- 3 Surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil interceptor, in accordance with the details agreed in the letter dated 5th October 2011 from the Council to Mr Cooke.
REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment in accordance with policy CON5.
- 4 The waste refuse contract shall only operate from the site between 06:00 hours and 18:00 hours on Mondays, between 06:00 hours and 19:00 hours Tuesday to Saturday, not at any time on Sundays and between 06:00 and 18:00 on up to two Bank Holidays in a calendar year.
REASON: In order to ensure the appropriate use of the site in accordance with policy E7 of the adopted Maldon District Replacement Local Plan.
- 5 There shall be no burning of waste materials on the site as shown edged in red on Drawing No: ATS/533/02 dated 12.04.2011.
REASON: In order to ensure the appropriate use of the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

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

to
CENTRAL AREA PLANNING COMMITTEE
23 September 2026

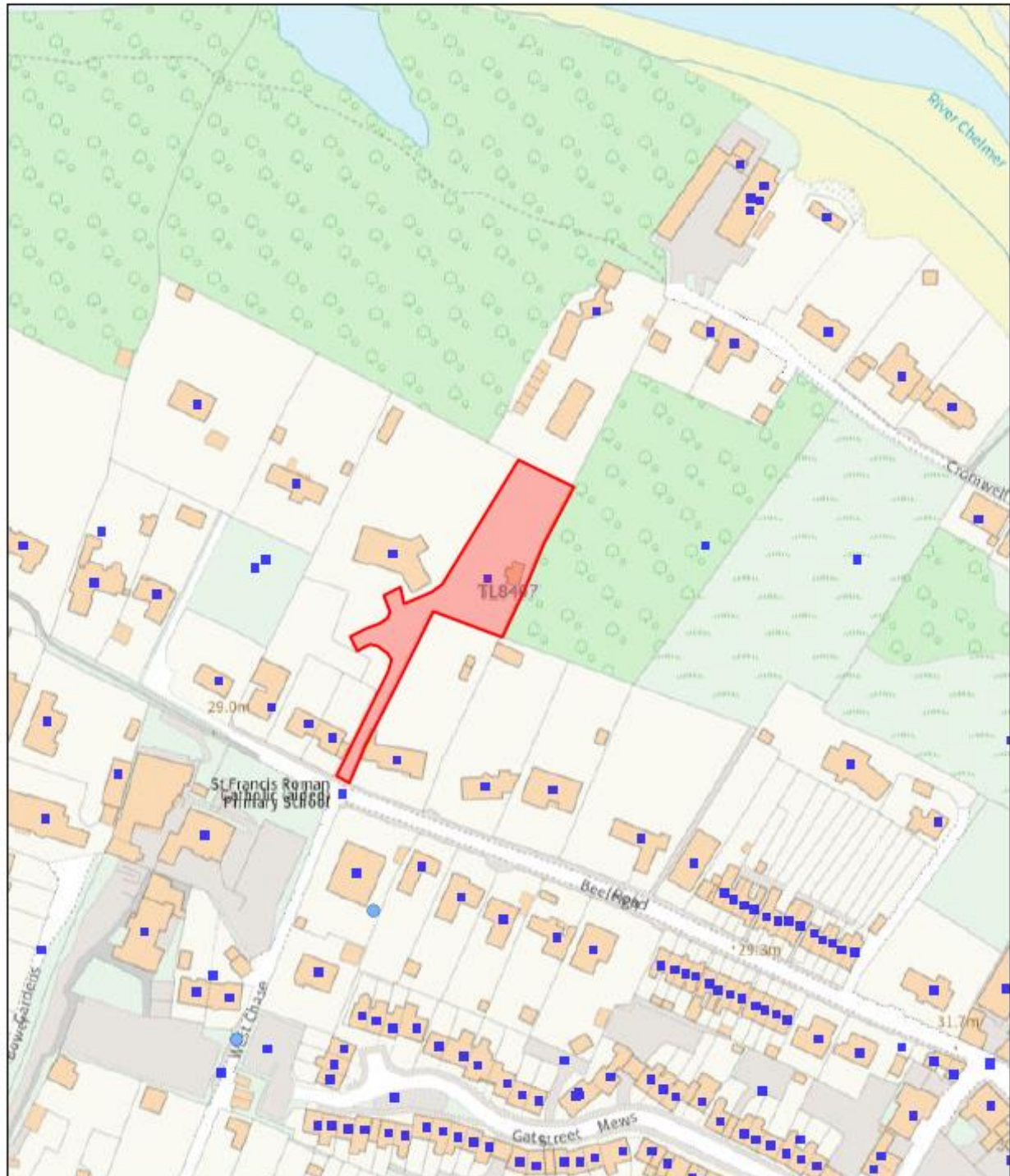
Application Number	26/00372/FUL
Location	Land at Walnut Tree Cottage 44 Beeleigh Road Maldon CM9 5QJ
Proposal	Demolition of outbuilding and erection of a self-build single storey dwelling with outbuilding and associated landscaping.
Applicant	Mr & Mrs Lister
Agent	Mr Rob Jarratt - Rob Jarratt Architect
Target Decision Date	25.09.2026 (Extension of Time)
Case Officer	Jade Elles
Parish	Maldon North
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 below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located north of Beeleigh Road. The site measures 0.17 hectares in area and sits within the Conservation Area of Chelmer and Blackwater Navigation, however, the site entrance sits within the Conservation Area of Maldon. The entrance to the application site sits within the settlement boundary of Maldon, however, the majority of the site and the location where the proposed dwelling would be situated sits outside the defined settlement boundary, and is therefore in the countryside for planning purposes, although the site is very much read as part of the urban area.
- 3.1.2 The site is located in an area characterised by residential dwellings, with a number of instances of similar 'backland' proposals in the immediate vicinity of the application site. The extent of the application site would follow the established line of development formed by the properties immediately due west. Immediately to the east there is an area of open space, beyond which is a further approved dwelling granted permission in 2023 (application reference 23/01241/FUL refers).

The Proposal

- 3.1.3 Planning permission is sought for the demolition of an outbuilding and the erection of a self-build single storey dwelling with an outbuilding and associated landscaping.
- 3.1.4 The proposed dwelling would be sited towards the east boundary of the plot with the outbuilding adjacent to the dwelling on the eastern boundary. A driveway is proposed to be provided and this would provide two parking spaces from an existing access from Beeleigh Road. The access would be joined with the existing access for No.44 so would be a shared vehicle access to the site from Beeleigh Road.
- 3.1.5 The proposed dwelling would be L-shaped measuring a maximum width of 16.3 metres, a maximum depth of 13.4 metres, have a maximum height of 5.7 metres and an eaves height of 3.4 metres. It would have an entrance door as well as bi-fold doors to the front. Both doors would lead into the open plan living/kitchen/dining area with several doors going into additional rooms. These rooms would be a utility, a w/c, two bedrooms with both having en-suites and one bedroom also having a dressing room. The terrace to the front would project out from the front elevation by four metres.
- 3.1.6 The proposed materials would be red multi brickwork plinth, green textured fibre cement weatherboard cladding, grey texture slate roof tiles, the windows and doors (apart from the bi-fold doors) would be white woodgrain effect UPVC sash windows and the bi-fold door would be oak.
- 3.1.7 The proposed outbuilding would be for storage. The proposed materials would be red multi brickwork plinth, black textures fibre cement weatherboard cladding, grey textures slate roof tiles, white woodgrain UPVC windows and an oak door.
- 3.1.8 The outbuilding would measure 6.3 metres in width, 3.4 metres in depth, have a maximum height of 4 metres and an eaves height of 2.1 metres.
- 3.1.9 There would be new planting on the southern and part of the western boundary and a 1.2 metre high post and rail boundary fence along the rest of the western boundary.

There would be a new step/low level retaining wall which would provide separation between the front and rear garden space.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary of Maldon and as such the proposed development would constitute a departure from the Local Plan. As explained within the report, however, it is considered that the site lies in a sustainable location, with access to local community and convenient shopping facilities within Maldon at a reasonable distance, and the availability of regular bus services nearby and a primary school immediately opposite the site entrance.
- 3.2.2 The design and layout of the proposed development are considered acceptable and would be 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.
- 3.2.3 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 National Planning Policy Framework (NPPF) and is recommended 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:

- Chapter 3 - Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 - Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO11 Isolated homes in the countryside
- Chapter 12 - Making effective use of land
 - L2 Making effective use of land
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 - Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts
- Chapter 17 - Pollution, public protection and security

- P2 Ground conditions
- P3 Living Conditions and pollution
- Chapter 19 - Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N6 Areas of particular importance for biodiversity and geodiversity
- Chapter 20 - Conserving and enhancing the historic environment
 - HE5 Assessing effects on heritage assets
 - HE6 Proposals affecting designated heritage assets
 - HE9 Conservation Areas

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
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- 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 Design Guide
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Maldon District Vehicle Parking Standards (MVPS)

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 Policy DM3 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises if the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states ‘when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable

development contained within the NPPF' and apply a number of key principles in policy and decision making set out in the policy.

- 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*".
- 5.1.5 NPPF policies S3 (Presumption in favour of sustainable development), S4 (Principle of development within settlements) as the site's access is within the settlement boundary for Maldon, and policy S5 (Principle of development outside settlements) for the main part of the development that lies outside of the settlement boundary for Maldon applies.

Five-Year Housing Land Supply (5YHLS)

- 5.1.6 Policy S5 of the NPPF allows for certain forms of development to be approved outside of settlements through point (j) of the policy this includes development which would address an evidence unmet need including where a Local Planning Authority (LPA) cannot demonstrate a five year supply of deliverable housing sites. This is subject to the following test relevant to this, which is point (j) (i) being physically well related to an existing settlement and of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure. For this site it is considered the requirements of policy S5 of the NPPF are met.
- 5.1.7 As per Annex D of the NPPF, the Council as the LPA for the Maldon District should "identify and update annually a supply of specific deliverable sites". Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years' supply.
- 5.1.8 Currently the Council can only demonstrate 4.1 years' worth of housing land supply which was officially stated and agreed at the Council meeting on 12 February 2026, however, since appeal decisions have stated lower figures. This is due to change through the latest NPPF (2026) 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.
- 5.1.9 Whilst the proposal is considered contrary to policy S8 of the LDP, in regard to settlement boundaries, the policy cannot be considered up to date because the Council cannot demonstrate an up-to-date 5YHLS and therefore the principle of development proposals on sites such as this shall need to be considered on the basis of whether they are sustainable or not.

- 5.1.10 Given the Council's current position in regard to not being able to demonstrate an up to date five year housing land supply, the NPPF's presumption in favour of sustainable development applies.

Sustainable Development

- 5.1.11 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 requirements of policy S3 of the NPPF applies. There are three dimensions to sustainable development as defined in paragraph 17 of 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 is favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.12 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.
- 5.1.13 In this instance, the application site is mostly located just outside, but immediately abutting, the settlement boundary of Maldon, which is defined within the adopted LDP as a 'Main Settlements'. The town plays host to a number of day-to-day services and facilities, including several educational facilities, a post office, a mixture of shops including a main high street and several Public Houses.
- 5.1.14 Pedestrian access from the site into the town is achievable by the pavement along Beeleigh Road, on to Silver Street and directly onto the High Street. These roads are all lit, well maintained and a short walking distance, resulting in a reduced reliance on the private car for day to day needs.
- 5.1.15 In addition, there are several bus services, route 31 which goes to Chelmsford, route 375 goes to Colchester and several others which do the surrounding area. The 288 route is a free bus service which circulates around Maldon travelling via the High Street to Tesco. These provide additional access to a wider range of services which again, would reduce the reliance of private car use. There is also a primary school immediately opposite the entrance to the site.
- 5.1.16 In considering the locational sustainability of the site, officers have taken into account No.44, which is within the applicant's ownership, which was approved as a new dwelling in 2018 (application ref: 17/01386/FUL and 19/00027/FUL) and approved prior to that in 2016 and again in 2012.

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 is outside of any settlement boundary would be contrary to policy S8 of the LDP, 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 resilience on private cars for long distance journeys. The prevailing character of the area is one of residential in nature with the site representing infill development amongst existing dwellings, some of which are of a similar backland in nature.
- 5.1.20 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 LPAs to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national Planning Practice Guidance (PPG). 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 PPG 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 houses, 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 four+ 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 two-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 to 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 alterations, 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 of the LDP 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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving and enhancing the character or appearance of the conservation area.
- 5.3.7 The proposed dwelling would have a similar design to the existing dwelling to the west of the site, in the way of it would be a single storey structure, a covered patio to the front and a mixture of roof designs, such as hipped and gabled. It would be slightly sunk into the hillside, following the floor levels of the site and would be a moderate size for the size of the plot. The materials proposed would be in keeping with the character of the area with similar materials used on the dwelling to the west (No.44).
- 5.3.8 The proposed outbuilding would be of a typical size and design of a large storage shed with the proposed materials being typical of a residential outbuilding, therefore, would be considered in keeping with the character of the area.
- 5.3.9 Due to the location of the site, there are possible views from a far, such as from the north of River Chelmer. However, within the Design and Access Statement submitted as part of this application, the Agent has given reference to this view and shown how prominent the views would be. From the photographic image supplied the property to the west of the proposed dwelling is barely visible, therefore, as the proposed

dwelling would follow the hillside floor levels and appear sunken in places, it is considered the views would be similar to the dwelling on the west and would barely be visible from a distance.

- 5.3.10 Whilst the site lies outside of any defined settlement boundary, it is considered that the proposed dwelling would not appear out of character in this specific location, given the dwelling to the west of the site (No.44) was granted permission in 2018 and has had permission on this site for the past 14 years to erect a dwelling on site.
- 5.3.11 The Conservation and Heritage Officer states the dwelling would not have an overbearing relationship with any nearby properties and would be quite well screened from the sider area by surrounding vegetation and buildings. The style of the house would be similar to that of Walnut Tree Cottage, in keeping with area and overall would cause no harm to the conservation areas.
- 5.3.12 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 conservation areas, and would therefore be in accordance with policies S1, S8, D1 and H4 of the LDP and the policies and guidance in the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The proposed dwelling would be situated on the eastern side of the plot and be approximately 45 metres from the neighbouring properties to the south (No's 40 and 38) and 10.3 metres from the neighbouring property to the west (No.44).
- 5.4.3 The plot the proposed dwelling would be situated on is on a slope which slopes down, away from the neighbouring properties to the south and due to the single storey nature of the dwelling and the degree in separation, it is considered that the proposed works would not give rise to any overlooking, overshadowing or have an intrusive impact upon these neighbours to the south.
- 5.4.4 The proposed dwelling would be single storey in nature, and the plot would be sloping down away from the neighbouring property to the west therefore have limited impact upon this neighbouring property in way of overlooking or overshadowing.
- 5.4.5 Overall, it is considered the proposed works would not give rise to any overlooking, overshadowing or materially harm the amenity of the occupiers of the neighbouring properties, therefore, being in accordance with 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 LDP seeks to include safe and secure vehicle and cycle parking having regard to the Maldon Vehicle Parking Standards (MVPS) 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 MVPS contain 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 LDP seeks to include safe and secure vehicle and cycle parking having regard to the MVPS and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes. Sufficient space exists within the residential curtilage, or detached garage, to store bicycles and therefore a controlling condition is not necessary in this instance.
- 5.5.4 In accordance with the MVPS, a dwelling with two bedrooms must provide two car parking spaces. The proposed ground floor plan submitted as part of the application under drawing number 0210-04 Rev A, shows two parking spaces to the front of the proposed dwelling, however, there is ample of space to the front of the dwelling for several cars to park, therefore, exceeds the requirements.
- 5.5.5 Essex Highways were consulted and stated they have no objections in relation to a highways and transportation perspective subject to conditions which will be implemented if the application were to be granted.
- 5.5.6 Overall, it is considered the access, highways safety and parking are in accordance with policies T2 and D1 of the LDP and the requirements set out in the MVPS.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the 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 advises a suitable garden size for each type of dwellinghouse, namely 50sqm of private amenity space for dwellings with two bedrooms.
- 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 As part of the application an Arboricultural Impact Assessment and Method Statement was submitted which stated the condition of all trees surrounding the site and confirmed an Oak and Plum tree are to be felled. The plum tree would be replaced with new planting along the boundary it is situated and the mixed group of trees would remain. Although the submitted site plan (drawing number 0210-03) and the AIA state the Oak tree will be retained or replanted, the council deem it necessary to implement a condition relating to the tree being replaced to ensure it is replaced if it were to be felled. Place Service: Arboriculture were consulted and advised they have no objections to the proposed works, or the works related to the existing trees however, recommended pre-commencement conditions to be implemented relating to retention and protection of existing trees and hedges/shrubs. The Council agree with the pre-commencement condition which was put forward to the agent to be agreed. The agent agreed to these conditions on 17.08.2026.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 110.9sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There are 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 and H4 of the LDP and the MDDG.

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 2 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 and they have raised concerns.

5.9 Ecology

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

HRA Stage 1: Screening Assessment

Test 1 – The significance test

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

Does the planning application fall within the following development types? Yes, the development is for an additional 1no. dwelling (i.e. net increase of dwellings at the site is 1no. 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 Coast RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at this figure of £175.55 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.

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 a sustainable location. As also outlined above it is not considered that the proposed development would result in a detrimental impact on 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.

5.11 Other Matters

- 5.11.1 Pre commencement conditions are recommended, and the agent was written to on 4 August 2026 to advise of the intention to use these conditions. The agent has advised there is no objection to the imposition of the suggested conditions.
- 5.11.2 Pre commencement conditions in relation to the retention and protection of the existing trees and hedges/shrubs. It is considered necessary on the grounds that the site is located in the Chelmer and Blackwater Conservation Area and the proposal sits within the Root Protection Area off some trees on site and while the submitted documentation states these operations will be undertaken under Arboricultural supervision however, much of the information provided is generic in nature and does not adequately address the site-specific constraints and construction requirements. Therefore, these matters are considered necessary.

6. ANY RELEVANT SITE HISTORY

- **12/00403/FUL** – New dwelling house with detached garage (revised design of dwelling house), Allowed on appeal on 25 July 2013.
- **16/00908/FUL** - Two storey dwelling house with detached garage, Approved on 21 October 2016
- **17/01386/FUL** - Construction of a new chalet style detached dwelling with integral garage, Approved on 13 February 2018
- **19/00027/FUL** - Variation of Condition 2 (in accordance with approved drawings) and removal of Condition 14 (balcony privacy screen) & 15 (weatherboarding, fascias and bargeboards painted timber only) of planning permission reference FUL/MAL/17/01386 (Construction of a new chalet style detached dwelling with integral garage), Approved on 17 March 2019

- 6.1 Although the above site history is not directly related to the red outlined land, they are related to the whole site owned by the applicant (blue and red outlined land as shown on the submitted location plan, drawing number 0210-01).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services: Ecology	No objection subject to conditions relating to ecological appraisal, biodiversity enhancement strategy and wildlife sensitive lighting	Noted
Place Services:	No objection subject to	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Arboriculture	conditions relating to retention and protection of existing trees and hedges/shrubs	
Essex Highways	No objections subject to conditions relating to cycle parking and travel pack	Noted
Cadent Gas	No objection subject to informative	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Officer	No objections subject to a condition relating to samples	Noted
Environmental Health	No objection subject to conditions relating to construction environmental management plan. Construction hours and unexpected contamination	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 24 June 2026 (with an expiry date for comments set at 17 July 2026). The notice was affixed at eye level to a lamp post immediately adjacent to the site entrance.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 25 June 2026 (with an expiry date for comments set at 16 July 2026).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
- The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans.

REASON To ensure the external appearance if 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 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal & Preliminary Roost Assessment (arbtech, March 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 5 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, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

- 6 If external lighting is proposed, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority prior to occupation.

The strategy shall:

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

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

- 7 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:

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

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

REASON To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017).

This is required to be a pre-commencement condition to ensure the protection of trees on site whilst the development is under construction.

- 7 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.

REASON To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017).

This is required to be a pre-commencement condition to ensure the protection of trees on site whilst the development is under construction

- 8 If 6T Oak, as shown in the Tree Constraints Plan (drawing number TCP01 Rev 01) as already submitted with this planning application, is felled it must be replaced by a similar species in a similar location before the end of the first planting season after completion of the proposed works subject to this application.

If within a period of five years from the date of the planting of the tree that the tree is removed, uprooted, destroyed, dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives it written consent to any variation.

REASON To secure appropriate replanting of the site in the interests of visual amenity and the character and appearance of the surrounding area.

- 9 The development shall be undertaken using appropriate measures to minimise noise, dust, smoke and vibration arising from demolition and construction activities.

REASON

To protect the amenities of neighbouring occupiers in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

- 10 No demolition or construction works shall take place except between 8:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no works on Sundays or Bank Holidays.

REASON To safeguard the amenities of neighbouring occupiers in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

- 11 If unsuspected contamination is encountered during the development, works shall cease in the affected area until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority and implemented.

REASON To protect human health and the environment in accordance with Policy D2 of the Maldon District Local Development Plan.

INFORMATIVES

Highways

- Detailed parking arrangements have not been considered as Maldon District Council are the parking authority and retain their own standards.
- There shall be no discharge of surface water from the development onto the Highway.
- All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development

Management Team by email at
development.management@essexhighways.org

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