



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
14 JANUARY 2025**

Application Number	24/00253/FUL
Location	Land Rear of Green Man Inn, Green Man Lane, Little Braxted
Proposal	Construction of a detached five bedroomed dwelling
Applicant	Mr J Purdy
Agent	Ms Alice Quinn – Smart Planning Ltd
Target Decision Date	17.01.2025
Case Officer	J.Kirkaldy
Parish	LITTLE BRAXTED
Reason for Referral to the Committee / Council	Policy D1 and S8 of the approved Maldon District Local Development Plan

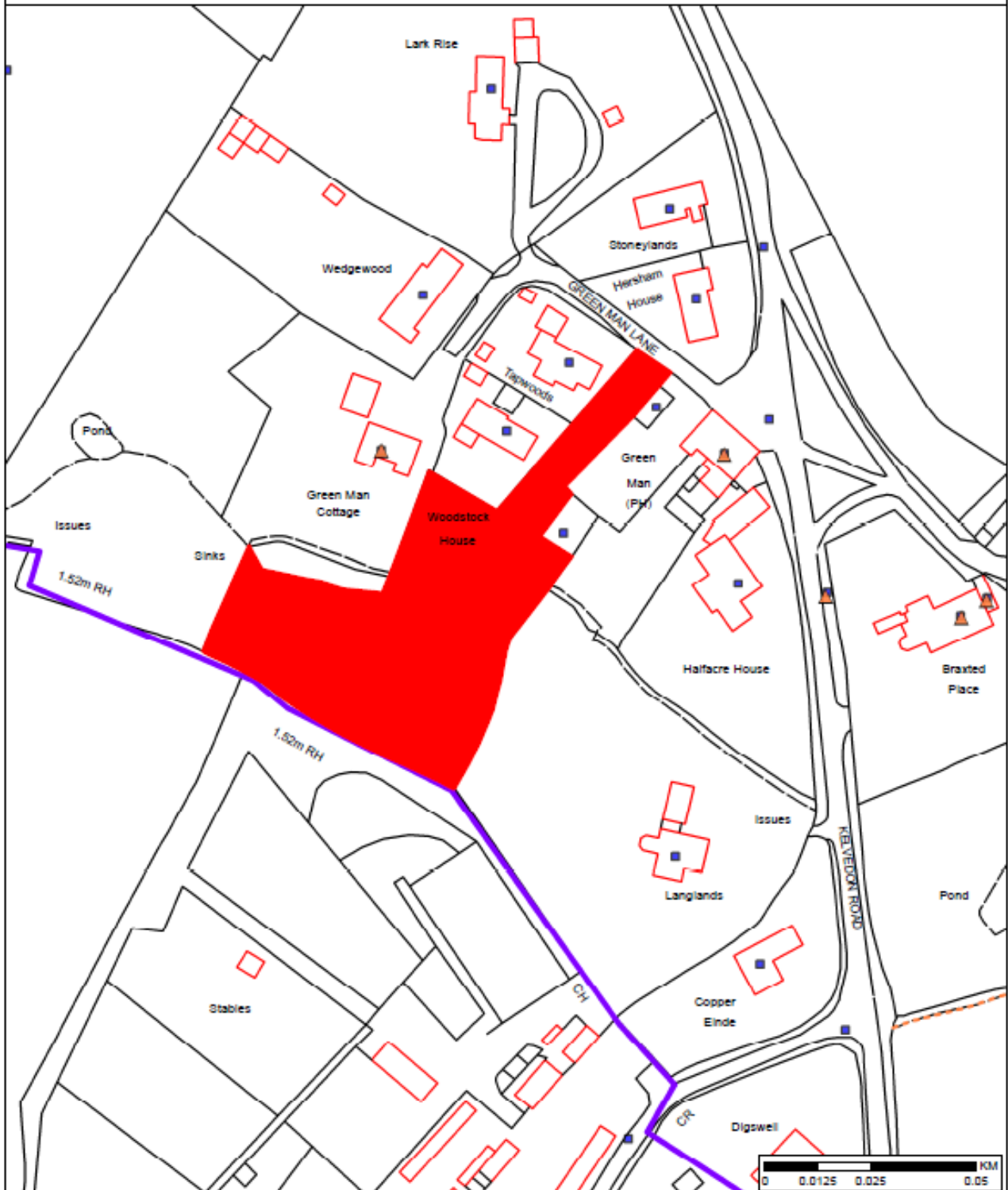
1. **RECOMMENDATION**

REFUSE for the reasons as detailed in Section 8 of this report.


2. **SITE MAP**

Please see below.

Land Rear Of The Green Man Inn - Green Man Lane - Little Braxted
24/00253/FUL



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Maldon District Council 100018588 2014


MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	North West Area Committee
Date:	12/12/2024
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Kelvedon Road and to the southern side of Green Man Lane outside of a defined settlement boundary.
- 3.1.2 It is situated to the rear / south of the Green Man Public House (Grade II Listed) which is within the same ownership as the application site. To the north of the site is a cluster of residential dwellings. The Green Man Cottage to the north west of the site is Grade II Listed.
- 3.1.3 Vehicular access to the site is gained from the Green Man Lane, off Kelvedon Road which serves the neighbouring dwellings of 'Tapwoods' and 'Woodstock'. It is a narrow single unmade track which also provides access to an Anglian Water pumping area.
- 3.1.4 To the west of the site is woodland and to the south is paddocks.
- 3.1.5 The site is 'L shaped' and comprises grassland meadow.
- 3.1.6 Although the site is situated within the Parish of Little Braxted it adjoins the boundary with the Parish of Wickham Bishops to the south.

The Proposal

- 3.1.7 Planning permission is sought for the erection of a 5-bedroom detached two storey dwelling. On the ground floor a living room, dining room, breakfast/kitchen, hall, study, wc, storage cupboard and utility room are proposed. At first floor level there are five bedrooms proposed, two ensembles and a family bathroom.
- 3.1.8 The proposed dwelling has a 'H' shaped form with two slight protruding gables on the front northern and rear southern elevation. It would have an overall width of 16.5 metres and a depth of 10.4 metres with an overall height to the ridge of 8 metres and approximately 5.2 metres to the eaves of the gables.
- 3.1.9 On the rear southern elevation, between the gables, a monopitched roof is proposed above the breakfast / kitchen room. There are three single roof lights proposed above. On the rear elevation from the breakfast / kitchen room a set of five pane bifold doors is proposed providing access into the rear garden. There is a three pane sash style window proposed on the rear elevation for the kitchen and a set of four pane bifold doors proposed for the living room providing light and ventilation.
- 3.1.10 On the eastern elevation a chimney stack is proposed to serve the living room. A single window is proposed on ground floor providing light and ventilation for the dining room. At first floor level a single window is proposed for bedroom 5.
- 3.1.11 On the front northern elevation, the entrance / front door is proposed in the centre, between the gables. It would have a rain porch cover with a flat roof. On either side of the front door there are two small windows proposed providing light and ventilation for the stairwell and wc. There is a slight overhang of the first floor accommodation above the ground floor within the protruding gables. On the ground floor there are two bay windows proposed on front elevation of the gables providing light and ventilation for the dining room and study. At first floor level the fenestration mirrors that of the ground floor, with a window in each gable providing light and

ventilation for bedroom 2 and 4. There are two smaller high level, box shaped windows proposed for the ensuite and stairwell and a single feature window in the centre (above the front entrance) with a pitched roof for the bathroom. There are two smaller windows in the roof of the gables on the front facing elevation.

3.1.12 There is a chimney stack proposed in the centre of the dwelling.

3.1.13 The materials proposed for the dwelling are a red brick plinth, smooth cast render for the gables and featheredged weatherboarding for the centre. Timber windows and clay plain tiles are proposed.

3.2 **Conclusion**

3.2.1 The application site is located outside of a defined Settlement Boundary and is within the open countryside. The site is not in a sustainable location as safe access cannot be provided for pedestrians and cyclists to the nearest settlements, therefore occupants of the site would rely heavily on the use of the car to fulfil the requirements of day-to-day living (shopping, education, doctors etc).

3.2.2 Insufficient ecological information has been provided on Great Crested Newt (European Protected Species).

3.2.3 It is therefore considered that the proposed development is contrary to the relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and for the reasons stated it is recommended that planning permission is refused.

4. **MAIN RELEVANT POLICIES**

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

4.1 **National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 82 – 84 Rural Housing
- 108 – 111 Promoting sustainable transport
- 119 -123 Making effective use of land
- 126 – 136 Achieving well designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving the natural environment
- 195 – 214 Conserving and enhancing the historic environment.

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 **Relevant Planning Guidance / Documents:**

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

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

5.1.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 *"Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations'*.

5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area's natural, built, and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.

5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural

areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 75 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March.
- 5.1.6 On 28 May 2024, the Council confirmed, through approval of its officers report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years’ worth of housing against the Council’s identified housing requirements. The published figure for the year 2023 / 24 was 6.35 years. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government’s drive to meet housing demand, where any identified harm caused by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on the ground, and approval of new permissions, is necessary for the LPA to demonstrate that it is being consistent with national policy.

Housing Provision and Mix

- 5.1.7 The NPPF is clear that housing should be provided to meet an identified need.
- 5.1.8 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.1.9 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.1.10 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for 4+ bedroom market dwellings.
- 5.1.11 The proposal is for a 5 bedroom dwelling. Therefore, this would support the need for 4+ bedroom dwellings in the District, however, this would be nominal contribution given the scale of the proposal and would not contribute towards the Districts biggest requirement for three bedroom dwellings.

Sustainable Development

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

Environmental Dimension

5.1.13 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that "*development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that "*new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable*".

5.1.14 The application site is located in Little Braxted. This is identified as an 'other village' in the settlement hierarchy of the approved LDP. Paragraph 2.102 of the approved LDP refers to 'other villages' and states that, '*these are other rural villages with no defined settlement boundary*'.

5.1.15 There are limited facilities available in Little Braxted. It has a Public House and Church. There is no pavement into the nearby larger villages of Great Totham and Wickham Bishops. Access to the bus stop (which is approximately 0.3 miles) to the south of the site would be via Kelvedon Road which is a narrow unlit highway with no pedestrian pavements. Pedestrians would need to walk on the road itself or on the grass verge and then cross Tiptree Road, which does not have a pedestrian crossing. Such access to the settlement is not considered safe for pedestrians or cyclists, particularly at times of inclement weather, or during the hours of darkness, or for wheelchair users or people with young children.

5.1.16 Therefore, future occupants of the site would inevitably be reliant on the private vehicle to access services and facilities to meet day to day needs. This would increase carbon emissions with associated vehicular movements.

5.1.17 Whilst existing residents in this part of the district may rely on the private car, this would not be justification for allowing additional dwellings in an unsustainable location.

5.1.18 An appeal decision (APP/X1545/W/24/3342289) for the 'development of existing garden with a new detached dwelling' at Land at Carters Lane, Wickham Bishops, approximately 0.5 miles to the south of the application site has been recently dismissed. A main issue in the appeal was 'access to local facilities'. The Inspector acknowledged that the appeal site is within walking distance of Wickham Bishops

shops and facilities at Witham Road, and bus stop on Kelvedon Road. However, further commented that, *'most likely walking and cycling routes to these facilities, via Carters Lane and Tiptree Road, are rural roads with no footways or lighting, for at least the first 300m or so. The verges to these sections of road are narrow at best, and some parts are banked or overgrown, so that pedestrians would have little choice but to walk on the carriageway. Cyclists too would be potentially vulnerable in these conditions. 16. I appreciate that a 30 mph speed limit applies, but even so, traffic moving at that speed can cause serious injury. Although Carters Lane is quite quiet, it is not disputed that Tiptree Road is significantly busier. Therefore, I find that neither of the roads serving the appeal site can be said to provide for reasonably safe connections for regular use, either on foot or by bicycle. In this regard the development would be contrary to the aims of Policy T2 with regard to ensuring that developments benefit from safe and convenient opportunities for sustainable travel.'*

- 5.1.19 The proposal would therefore conflict with the NPPF and Policy T2 of the approved LDP which requires development to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

- 5.1.22 Given that the site is outside a settlement boundary and does not meet any criterion for being acceptable with regard to Policy S8, the proposal does not accord with the policy. Furthermore, the site is not considered to be accessible as future occupants would be heavily reliant on the use of the private vehicle to access facilities and services with no tangible benefits to the wider community.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017) (MDDG).
- 5.2.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 The proposed dwelling would be set back approximately 80 metres from the road frontage of Green Man Lane. It would not be overly visible from the wider public realm given the existing mature vegetation / trees which are situated on the boundary of the site and its discrete position.
- 5.2.6 There is sufficient circulation space retained around the proposed dwelling to ensure it does not appear cramped within the site. It is positioned approximately 11.2 metres from the western boundary, 4.4 metres from the eastern boundary and 32 metres from the rear southern boundary of the site.
- 5.2.7 Kelvedon Road and Green Man Lane comprises an eclectic mix of dwelling types and styles with no particular distinctive character. The proposed dwelling incorporates a traditional style with features that add visual interest and quality to the design including exposed rafters, chimney stacks, sash style windows, featheredged weatherboarding, soft red brick and clay plain tiles. The vernacular materials proposed are compatible with the wider countryside setting.
- 5.2.8 It is not considered that the design and layout of the proposed dwelling would have a detrimental impact on the character and appearance of the surrounding area or countryside setting.
- 5.2.9 The Landscape Character Assessment identifies the site as being situated within the 'Totham Wooded Landscape Character Area'. Visual characteristics of this area include long distance views to drained estuarine marshes and short distance open views to the valleys. Sensitive key characteristics and landscape elements within this character area include several woodland patches and copses, mature trees within hedgerows and occasional ditches which are sensitive to changes in land management. Overall, this character area has relatively high sensitivity to change. The Landscape Character Assessment suggests Landscape Planning Guidelines which includes, '*conserve and protect open views from Mountain Road, Braxted Lane and other rural lanes*' and '*ensure new development response to historic settlement pattern and scale and uses, materials and colours that are appropriate to the local landscape character, such development should be well integrated into surrounding landscape*'. The proposed siting of the dwelling would not result in the loss of open wider views, or loss of woodland. As stated above, the materials and colours proposed are compatible with the countryside setting.
- 5.2.10 In summary, the design and siting of the proposal would not harm the character or appearance of the surrounding in compliance with policies S1, S8, D1 and H4 of the approved LDP.

Living Conditions for Prospective Occupiers

- 5.2.11 The proposed dwelling is five bedrooms with a floor space in excess of 300sqm. It complies with the minimum gross internal floor area for a five bedroom (8 person) dwelling as specified in the Nationally Described Space Standards (March 2015). There is also light, and ventilation proposed for all the habitable rooms.
- 5.2.12 The NPPF states that, 'decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It further states they should, 'mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life'.
- 5.2.13 The Council's Environmental Health Officer has been consulted and initially requested that a Noise Assessment be provided to assess potential disturbance to prospective occupants of the dwelling from the Green Man Public House.
- 5.2.14 The applicant subsequently provided a Noise Assessment (prepared by Healthy Abode Acoustics October 2024). The report concluded that, *'internal noise levels within the proposed development are predicted to meet the guideline noise criteria contained in BS 8233:2014 provided the identified appropriate minimum specified glazing, ventilation and façade materials are installed to a good manner of workmanship'*. It further states that, *'noise monitoring data confirms that the external amenity areas achieve the desirable levels as set in BS8233:2014 and WHO (1999) guidance levels, therefore no mitigation is required'*.
- 5.2.15 The Environmental Health Officer was reconsulted on the Noise Assessment and commented that, 'The Green Man is a licensed premises with provision for regulated entertainment including amplified recorded and live music until midnight during weekend periods. There is no discussion in the report about activities at the Green Man other than what was audible during the monitoring period which appears to be patrons in the beer garden. The noise report should reflect the potential disturbance which may emanate from the licensed premises and provide any suitable mitigation measures. A series of short term noise measurements as well as 63Hz / 125Hz octave frequencies during periods of entertainment will better capture the music noise level. Appendix C1 provides calculations to determine glazing specifications. However, it appears that calculations have been done for rooms at the rear of the property rather than the front which are more likely to be affected by activities at the public house'. However, the Environmental Health Officer did acknowledge that there have been no record of recent noise complaints and there are already properties in the vicinity of the Public House. Should the application be approved a condition requiring appropriate sound insulation glazing and building construction as mitigation could be imposed. As such, no objection was raised in regard to noise impacts.
- 5.2.16 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG Supplementary Planning Document (SPD).

Heritage

- 5.2.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District LDP

states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.2.18 The Green Man Public House (situated approximately 10 metres from the site) and Green Man Cottage (situated approximately 11 metres from the site) are Grade II Listed. The Green Man Public House has architectural interest as a Georgian public house, domestic in style, with a fine array of old sash windows on its painted brick front (north) elevation. Green Man Cottage has architectural interest as a Georgian row of three vernacular cottages with a gambrel roof, later converted into a single dwelling.

5.2.19 The Council's Principal Conservation and Heritage Officer has been consulted and raised no objection to the proposal stating that, *'The application site forms part of the wider setting of both listed buildings, providing a pleasant rural backdrop, but makes a neutral contribution to their significance. The trees along the boundary of the application site mean that there is little inter-visibility between the listed buildings and the application site. In my judgement, the proposed house would not have a negative impact on any views of or from the listed buildings. I advise that no harm would be caused to the setting or significance of the listed buildings.'*

5.2.20 The proposal accords with the NPPF and Policy D3 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, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

5.3.2 The site adjoins four neighbouring dwellings and the Green Man Public House. To the north is 'Tapwoods', 'Woodstock House' and to the north west is 'Green Man Cottage'. To the north east is 'Green Man Public House'. To the south east is 'Langlands'.

5.3.3 Objection representations have been received from neighbouring dwellings.

5.3.4 The proposed dwelling would be situated approximately 11 metres (at its closest point) from the shared boundary with 'Green Man Cottage' and over 26 metres from the neighbouring dwelling itself. It would be situated approximately 21 metres from the shared boundary with 'Woodstock House' and approximately 34 metres from the neighbouring dwelling itself. It would be situated over 60 metres from the neighbouring dwelling of 'Tapwoods' which is situated adjacent to the entrance at Green Man Lane and approximately 30 metres from the Green Man Public House itself. The nearest neighbouring dwelling to the south east 'Langlands' would be situated approximately 50 metres from the boundary of the site.

5.3.5 It is considered that given the orientation and separation distances between the proposed dwelling and neighbouring properties, this is sufficient to prevent overlooking, overshadowing or any overbearing impacts from the proposed development.

- 5.3.6 There is an established tree/shrub boundary along the boundaries of the site with these neighbouring properties which is proposed to be retained and would provide screening of the proposal to some extent.
- 5.3.7 The proposal is therefore in accordance with the NPPF and Policy D1 of the approved 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.
- 5.4.2 The NPPF refers in paragraph 111 that, 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'.

Access

- 5.4.3 There are no alterations proposed to existing access arrangements. The dwelling will be accessed from an existing shared private road and includes a new driveway to the dwelling.
- 5.4.4 The Highway Authority has been consulted and raised no objection to the proposal subject to a condition requiring the provision of cycle parking.

Parking Provision

- 5.4.5 The submitted layout plan proposes hardstanding to the front (north) of the dwelling to provide in excess of three car parking spaces.
- 5.4.6 The Vehicle Parking Standards require the provision of three car parking spaces for four or more bedroomed dwellings. Therefore, adequate car parking provision is proposed to accord with the standards.
- 5.4.7 Subject to the above-mentioned condition, the proposed development would accord with the NPPF and policies D1 and T2 of the approved LDP in terms of highway safety and accessibility.

5.5 Private Amenity Space

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The proposal would provide in excess of 100sqm of private amenity space immediately adjacent to the proposed dwelling. It is considered that the amount, location and design of the amenity space would achieve high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

5.6 Trees

- 5.6.1 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.6.2 The NPPF states in paragraph 136, 'Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible'.
- 5.6.3 An 'Arboricultural Impact Assessment' (prepared by Arborterra Ltd, Sept 2023) has been submitted as supporting documentation. The report concludes in paragraph 5.1.5 that, *'a total of 6 trees and 1 group of shrubs are to be removed as part of the development including 2 category C trees, 4 category U trees'*. It further states that, *'The two Category C trees are of small stature and are considered to be of low value. Removal of the four category U trees is warranted due to their condition. The proposed tree removals will result in a loss of tree cover along the access track. This could be compensated for by suitable tree and shrub planting. The trees to be retained enhance the site by providing privacy, a sense of enclosure, mature landscape elements and environmental services. There are no significant shading issues. Pruning is recommended to the crown of ash T2 in order to provide working space for construction. The proposed pruning is not excessive and will not cause significant harm to the health or appearance of the tree.'*
- 5.6.4 The Council's Arboricultural Consultant has been consulted and commented that *'This application is supported by an Arboricultural Impact Assessment compiled by an appropriately qualified and experienced arboriculturalist in compliance with BS 5837. This assessment clearly details the impacts to existing trees and proposed mitigation measures'*.
- 5.6.5 The Council's Arboricultural Consultant has raised no objection subject to condition relating to hard/soft landscaping.
- 5.6.6 Subject to the above-mentioned recommended condition the proposal accords with the NPPF and Policy D1 and S1 of the approved LDP.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.7.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding from rivers and the sea. However, it is at medium risk of surface water flooding. There is a ditch which runs through part of the site.
- 5.7.3 The proposal has been reviewed by the Council's Environmental Health Officer who has recommended that conditions are imposed relating to foul drainage and surface water disposal.

- 5.7.4 The Lead Local Flood Authority has also commented on the application stating that, 'as the site lies within an area where there is a high risk of flooding, we would recommend the use of water butts, permeable paving and storage with an outflow matching the 1 in 1 greenfield rate for the 100-year event or 1l/s, whichever is higher. Furthermore, from the documents provided, it appears there will be alterations made to an existing ditch, therefore, the applicant will need to apply for watercourse consent'.
- 5.7.5 Subject to the above-mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.8 Natural Environment and Biodiversity

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

Ecology

- 5.8.4 A Preliminary Ecological Appraisal (June 2024 prepared by Plumb Associates) has been submitted as supporting documentation. The report concludes that, '*the site is assessed as having low ecological value with no habitat features suitable for supporting protected species. No additional surveys are necessary*'.
- 5.8.5 The Council's Ecology Consultant was consulted and raised a holding objection stating that, 'The Preliminary Ecological Appraisal identifies the following with regard to ponds within 250 metres, which could be suitable for Great Crested Newt: There are two ponds within 250m of the site, one is in the woodland immediately north of the main access and the other is 40m northwest of the edge of the site and the other is 130m southeast of the site. It was not possible to access either pond as they are within private ownership. The habitat on-site has been stated as not suitable terrestrial habitat for Great Crested Newt, within the Preliminary Ecological Appraisal. As a result, we have reviewed Google Earth historic imagery and note the site was cleared between 2022 – 2023 and appeared to hold a higher terrestrial value for the species. Furthermore, the habitat on-site does still appear to contain suitable features for the species, particularly habitat near the site access. This includes rough grassland / ruderal habitat with log piles / other shelter options. Furthermore, it is highlighted that the application site is located within an Amber risk zone for Great Crested Newt (GCN) on Natural England's GCN Risk Zones (Essex), indicating a high risk of the species being present. Therefore, as the proposals

contains impacts upon terrestrial habitat within 50m of a pond, there is potentially high impact upon the species. As a result, we recommend that presence / likely absence surveys are conducted on the nearby ponds to confirm whether GCN will be present and affected by the proposals.'

- 5.8.6 The applicant subsequently provided a GCN District Level Licensing Impact Assessment and Conservation Payment Certificate (provisional). The Council's Ecology Consultant was reconsulted and raised a further holding objection stating that, '*Whilst we welcome the additional documents, we highlight that a Great Crested Newt District Level Licencing Impact Assessment and Conservation Payment Certificate (IACPC), that is **countersigned by Natural England**, is still required to be demonstrated by the appellant*'. Therefore, the Council's Ecology Consultant was not satisfied that sufficient ecological information on Great Crested Newt (European Protected Species) had been provided which is required to enable the LPA to demonstrate its compliance with statutory duties included its biodiversity duty under s40 Natural Environment and Rural Communities (NERC) Act 2006 (as amended).
- 5.8.7 As the planning application was submitted in March 2024, the biodiversity net gains (mandatory in April 2024) are not required as part of this application.
- 5.8.8 The proposal fails to accord with the NPPF and Policy S1, N1 and N2 of the approved LDP.

5.9 Impact on Designated Sites

- 5.9.1 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake a Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.9.2 The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment Test 1 – the significance test

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

Does the planning application fall within the following development types? Yes, the development is for 1no. dwelling, and therefore the net increase of dwellings at the site is 1no. dwelling.

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.

5.9.3 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to re-consult on this Appropriate Assessment.

5.9.4 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £163.86 (2024/25 figure) and thus, the developer contribution should be calculated at this figure.

5.9.5 The applicant has provided the relevant checking and monitoring fees, and a completed and signed unilateral undertaking to ensure that mitigation is secured.

5.10 Planning Balance

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. Given the scale of development (one dwelling) limited contributions have been identified in relation to the social and economic objectives of sustainable development. Occupants of the proposed dwelling would be reliant heavily on the private vehicle to access services and facilities for day-to-day needs given the location of the site and poor public transport connections. The proposed development would result in further development in the countryside, hence there is an adverse impact by the development on the environmental objective of sustainable development. Insufficient ecology information has been submitted to provide certainty of the likely impacts to protected species (Great Crested Newts).

5.10.2 In a balancing exercise, it is considered that the harms of the proposal outweigh the benefits and as such development is unsustainable. The benefits of the development cannot outweigh the conflict with policies, S1, S2, S8, D1, H4, N1, N2, T1 and T2 of the approved LDP.

6. ANY RELEVANT SITE HISTORY

6.1 There is no relevant planning history for the site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Braxted Parish Council	<p>We recommend the refusal of planning permission.</p> <p>The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development to detriment of the character and appearance of the area.</p>	Noted and discussed in paragraphs 5.2 and 5.3.

Name of Parish / Town Council	Comment	Officer Response
	<p>The development and intensification of built form resulting from urbanisation of the site would fail to meet the requirements contained in the NPPF for the countryside to be protected for its landscape, natural resources and ecological value, intrinsic character and beauty.</p> <p>Concern regarding intensification of unmade single track road without passing places which also leads to an Anglia Water pumping station.</p> <p>Concern regarding scale and appearance which fails to recognise the setting and relationship to historic features.</p> <p>No bus service reliance on private vehicle and there is no footway.</p>	

7.2 Internal Consultees (summarised)

Name of Consultee	Comment	Officer Response
Ecology Consultant	Holding objection due to insufficient ecological information on Great Crested Newt (European Protected Species)	Noted and discussed in paragraph 5.7
Arboricultural Consultant	No objection subject to conditions relating to soft landscaping.	Noted and discussed in paragraph 5.5.
Environmental Health	No objection subject to conditions relating to foul drainage and surface water drainage. Also commented on the submitted Noise Assessment.	Noted and discussed in paragraph 5.2 and 5.6
Heritage and Conservation Specialist	No objection.	Noted and discussed in paragraph 5.2

7.3 External Consultees

Name of Consultee	Comment	Officer Response
Essex County Council (ECC) Highways'	No objection subject to condition relating to provision of cycle parking.	Noted and discussed in paragraph 5.3
Lead Local Flood Authority – ECC	Comment that as site lies in high risk of flooding, recommend use of water butts, permeable paving, storage with an outflow matching the 1 in 1	Noted and discussed in paragraph 5.6

Name of Consultee	Comment	Officer Response
	greenfield rate for 100 year event or 1l/s whichever is higher. Alterations to an existing ditch would require consent.	

7.4 **Representations received from Interested Parties** (*summarised*).

7.4.1 The application was advertised by way of a site notice posted on 29 July 2024 (with expiry date for comments set at 19 August 2024). The site notice was affixed at eye level to a telegraph pole in a prominent position at the entrance to the Green Man Lane adjacent to the Green Man Public House.

7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 18 July 2024 (with expiry date for comments set at 8 August 2024).

7.4.3 No comments have been received from other interested parties during the specified consultation period, nor subsequently during the application process.

7.4.4 One letter has been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development to detriment of character and appearance of the area.	Noted and discussed in paragraph 5.2
Intensification of built form would fail to meet requirements of NPPF to protect countryside for its landscape, natural resource, ecological value and intrinsic character and beauty.	Noted.
Vehicular access in unmade single track without passing places and is used by Anglian Water (photographs provided) who require unrestricted access. Concern regarding intensification of its use.	Noted and discussed in paragraph 5.3
Occupants of the dwelling would be reliant on private transport to access services and facilities. There is no pavement.	Noted and discussed in paragraph 5.1
Outside of development boundary.	Noted.

8. **PROPOSED REASONS FOR REFUSAL**

- 1 The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Council's spatial strategy contrary to Policies S1,

- 2 S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework. Insufficient ecological information has been submitted to assess the impact of the proposed development on protected and Priority species, specifically Great Crested Newts. The proposed development would therefore be contrary to Policies S1, D1, and N2 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework and Circular 06/2005.

Application Plans

- 1387/01E Site Location Plan
- 1387/02C Site Layout Plan
- 1387/03B Proposed Front Elevation
- 1387/04A Proposed Plans and Elevations
- 1387/06 Proposed Roof Plan
- MPP_01_010 Ditch Diversion
- MPP_01_011 Proposed Ditch Capacity
- MPP_01_012 Existing Ditch Capacity