



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
18 JUNE 2025**

<b>Application Number</b>	<b>24/00817/FUL</b>
<b>Location</b>	South Menage at Chasefield Farm 64 Walden House Road Great Totham
<b>Proposal</b>	Removal of existing menage and construction of new detached two storey dwelling with detached cart lodge, access, parking and landscaping.
<b>Applicant</b>	Mr & Mrs Edwards
<b>Agent</b>	Mr Mark Rickards - Bacchus Design Limited
<b>Target Decision Date</b>	20.06.2025 (Time Extended Agreed with Agent)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

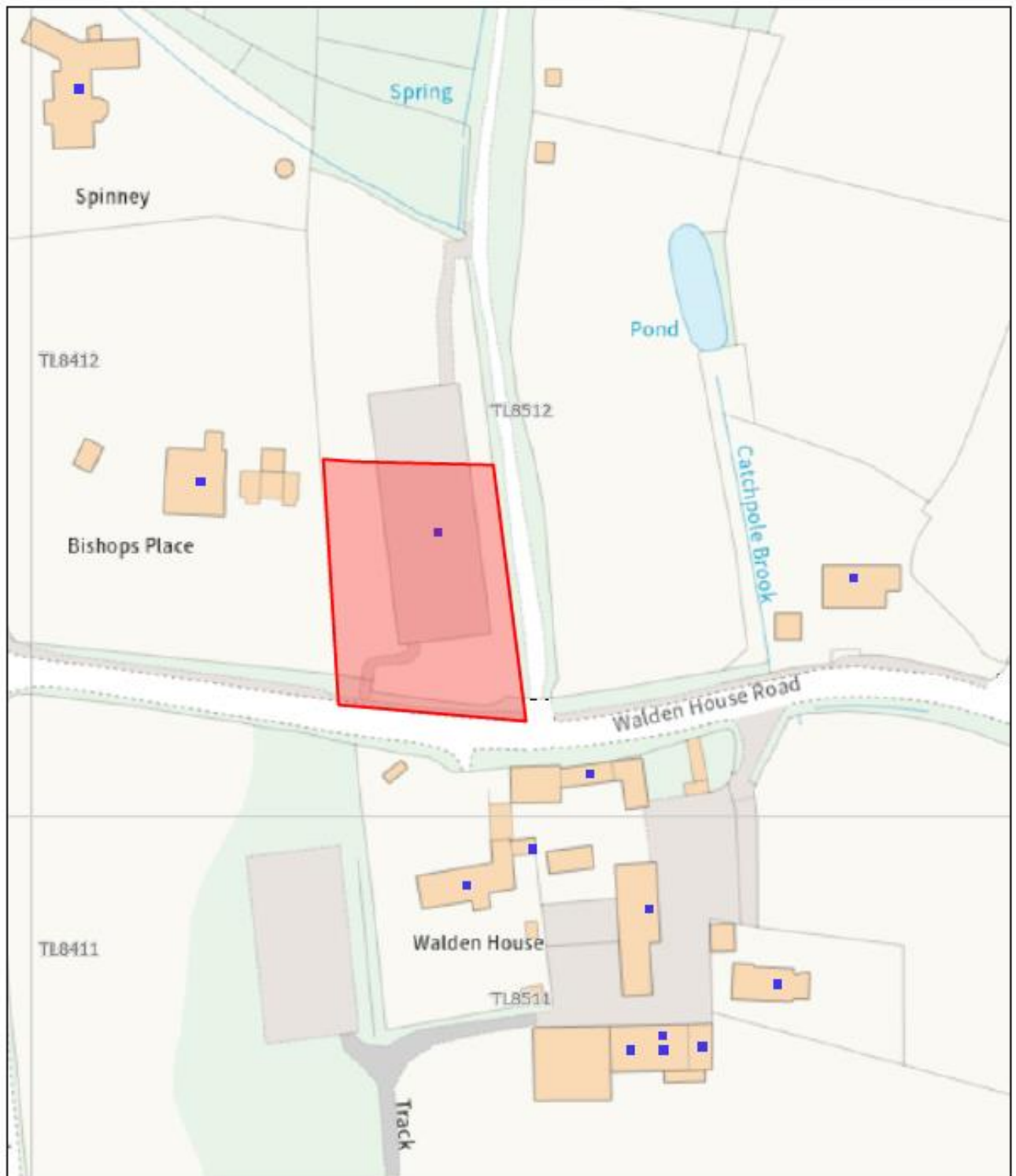
**1. RECOMMENDATION**

**APPROVE** 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 in Section 9.

**2. SITE MAP**

Please see below.

24/00817/FUL



### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The site is identified as the south menage at Chasefield Farm 64 Walden House Road in the Parish of Great Totham. The site measures 0.236 hectares and the agent has stated that the menage was previously used for the private enjoyment of the owners of Chasefield Farm. Within the site the menage occupies the majority of the land area and is bounded by timber post and rail wooden fencing with laid lawn surrounding it. In the south west corner of the site there is an outbuilding that appears to be a former stables building. The southern site boundary onto Walden House Road comprises of timber post and rail fencing with part hedging to the front.
- 3.1.2 There is currently no pedestrian and vehicle access into the site (red lined area) from the southern boundary with Walden House Road. There is an access in the ownership of the applicant that serves Chasefield Farm and this is adjacent to the eastern site boundary. Walden House Road is a 30mph road that includes a pedestrian footway on the northern side of the road. The road links the settlements of Great Totham and Wickham Bishops.
- 3.1.3 The surrounding area is dominated by landscaping including hedgerows and trees but there is existing development nearby in the form Walden House to the south and Bishops Place to the west along Kelvedon Road. There are further houses to the north, east in the settlement boundary of Great Totham and to the west in the in Wickham Bishops.

##### Description of the Proposal

- 3.1.4 Full planning permission is sought for the removal of the existing menage and the construction of new detached two storey dwelling with detached cart lodge, access, parking and landscaping.
- 3.1.5 The proposed new dwelling would include a living room, snug, utility room, WC, entrance hall and stairway, and an open plan living/dining/kitchen room at the rear. At first floor level four-bedrooms would be created and three-bathrooms including a family bathroom, a shared bathroom for bedrooms 2 and 3, and an en-suite bathroom to the master bedroom, that would also benefit from a dressing room. A study area would be created in the stairwell landing area. The external dimensions of the new dwelling measure 12m wide by 13.1m deep by 8.2m high to the ridge of the roof. The new dwelling would be set back from the front boundary by 15.5m, 24m from the rear boundary, 13.5m from the eastern site boundary and 17.5m from the western side boundary. The roofscape would include solar panels on the east and west sides of the roof.
- 3.1.6 The design of the dwelling would reflect a traditional home with two chimney stacks and a projecting front gable end projecting incorporating a flat roofed porch canopy. The dwelling would be finished in red face brickwork and would include a red coloured plain tiled roof.
- 3.1.7 A cartlodge building would be located to the south east of the dwelling and would include one open sided elevation for vehicle access and parking for three vehicles. To the side of the building a cycle store and bin store would appear as a lean too extension to the building. The overall size of the building would measure 10.3m wide by 5.3m deep by 4.05m high. The building would be constructed of oak posts and

beams, would have a red face brick plinth and black painted weatherboarding to its enclosed elevations. The roof would have a grey slate finish with red ridge and hip tiles.

3.1.8 The proposal would create a new vehicle access onto Walden House Road from the site's southern boundary. This would serve a large tarmac hardstanding area with room for at least five car parking space in addition to the parking shown in the proposed cartlodge building. A large rear and side garden would be created with hedging shown to the front boundary and the site's rear boundary. The existing row of trees along the western site boundary would be retained.

3.1.9 The application is accompanied by a number of supporting documents:

- Planning Statement and Design and Access Statement
- Contaminated Land Report
- Landscape and Visual Impact Assessment
- Heritage Statement
- Preliminary Ecological Appraisal

### **3.2 Conclusion**

3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. Based upon the Council's Five Year Housing Land Supply (5YHLS) position the tilted balance in favour of sustainable development applies and for the reasons explained in this assessment the site is considered to be located in a sustainable location in close proximity to two 'larger villages' as defined in policy S8, which provide for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the Local Development Plan (LDP) is therefore considered acceptable along with all other material planning considerations.

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Design Guide
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

#### **4.4 Great Totham Neighbourhood Plan (2022)**

- GT01 Spatial Strategy
- GT02 High Quality Arcadian Design
- GT04 Green/Blue Wildlife Corridors and Wildlife Friendly Development
- GT05 Recreational Disturbance and Mitigation
- GT06 Energy Efficiency of Buildings and Renewables
- GT07 Parking Provision
- GT08 Pedestrian and Cycle Access

### **5. MAIN CONSIDERATIONS**

The main considerations for this application are as follows:

- Principle of the Development and Sustainability
- Housing Provision and Mix
- Design and Impact on the Character of the Area

- Living Conditions and Amenity Space
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity
- Impact upon Neighbouring Amenity
- Other Matters

## 5.1 Principle of Development and Sustainability

- 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.
- 5.1.5 In addition to the LDP, the Great Totham Neighbourhood Plan (2022), forms part of the statutory development plan for the area and its policy GT01 focusses development within the settlement boundaries of North Totham and South Totham. The application site is in the South Totham location as Great Totham includes two settlement areas. For development outside of the settlement boundary identified local housing needs will be supported subject to certain criteria including that there are no available and deliverable sites within the settlement boundary, the site is well related to the settlement boundary and would not breach any existing defensible boundary. Whilst the proposal does not demonstrate that there are no available and deliverable sites within the settlement boundary, the site is considered to relate well to the settlement boundary and does not breach any existing defensible boundary.

### Five Year Housing Land Supply

- 5.1.6 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a

supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.

- 5.1.7 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.8 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.9 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.

#### Sustainable Development

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

#### *Environmental Dimension*

- 5.1.11 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*". The Great Totham Neighbourhood Plan policy GT08 supports pedestrian and cycle access.

- 5.1.12 The application site is located along Walden House Road and is outside of the settlement boundary for Great Totham (south) by about 170m. However, Great Totham is a 'larger village' in policy S8 and is recognised to include a range of facilities and services. These include a primary school, a village hall, recreational grounds, a community hall, public houses, post office and store, and a nearby golf course. The site's location also means it is in close proximity to Wickham Bishops, which is also a 'larger village' in policy S8, and this village includes a range of facilities and services including a church, a village hall, recreation ground, library, general store with post office, hairdressers, health food shop, beauty salon, tea room, vehicle repair garage, car show room, a public house and a doctors surgery.
- 5.1.13 In addition to the consideration of facilities and services, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. There is pedestrian footway along Walden House Road that allows for walking into both villages with Great Totham Primary School being approximately 170m walking distance from the site. For cycling, this road and the road into Wickham Bishops, are both within 30mph speed restriction zones, although they are both rural type roads with no lighting. Great Totham has a bus route through the village along the Maldon Road (B1022) and there is one hourly service for the 75 operated by First Bus that links to Maldon and Colchester. The nearest bus stop is along the Maldon Road (B1022) also provides for 504 and 506 services. This bus stop can be reached by walking east on the footway along Walden House Road to its junction with Maldon Road where the bus stop is just to the south and is an approximate 750m walk. Within walking distance of the site there is also access to the number 90 service that links Maldon to Witham which can be reached via footways in Wickham Bishops to the west or Great Totham. Witham provides access to the nearest rail service at 3.9 miles away and can be access via the number 90 bus service.
- 5.1.14 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.15 With regard to other Environmental considerations these are assessed in detail below.

#### *Social Dimension*

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

#### *Economic Dimension*

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



### Other Principle of Development considerations

- 5.1.18 The proposal would result in the loss of menage but this is a private facility and not a community facility, it is therefore not considered to be protected for retention by the open space, sport and leisure policy N3 of the LDP.

### Summary of Principle of Development

- 5.1.19 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies. Therefore, the development of sites such as this outside of settlement boundaries need to be considered as to whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location for this development in close proximity and accessible to two 'larger villages' as defined in policy S8 which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the Local Plan (LDP) is therefore considered acceptable.

## **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 Policy H2 requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance (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 housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.4 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedrooms, 25-35% two-bedrooms, 40-50% three-bedrooms and 15-25% for 4+ bedroom market dwellings.
- 5.2.5 The proposal is for a four-bedroom dwelling. Therefore, whilst the proposal would not provide a dwelling to meet the majority of housing needs in the District it would still meet a requirement for 4+ bedroom dwellings in the District. The proposal would make a nominal contribution given the scale of the proposal and would not contribute towards the District's biggest requirement for three-bedroom dwellings. Nonetheless, the proposal is not considered unacceptable based on housing mix and policy H2.

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

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

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The Great Totham Neighbourhood Plan (2022) requires residential development to demonstrate high quality design and layout which respects the 'Arcadian' nature and local character.
- 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 Before assessing the design consideration of the application, it is necessary to understand the context of the site and its surroundings. Great Totham and other settlements in the Maldon District are identified as Arcadian settlements which are defined in the MDDG as being recognised for their 'unusual dispersed pattern without a core street or green' but these are settlements that are defined where mature landscaping dominates the appearance with buildings interspersed into this landscape.
- 5.3.7 In terms of layout the proposed dwelling would be centrally located within the site, and this allows for sufficient space between the proposed building and the boundaries. This can allow for landscaping which is an important part of the appearance of this area. The existing trees along the western boundary would be retained and the plans show that a laid to lawn garden would be created. The front of the site would include a driveway serving the dwelling and cartlodge that connects to the public highway via the front of the site. The layout of the development is considered acceptable.
- 5.3.8 In terms of scale of the development, the proposed dwelling would be 8.2m high, which is acceptable within this plot and in the area, especially considering the height of Walden House to the south and its outbuildings including a former barn conversion. The proposed cartlodge would be 4.05m high and would therefore appear subservient to the host dwelling. The scale of the development is considered acceptable.
- 5.3.9 Turning to design, the proposed dwelling would reflect a traditional style home with two chimney stacks and a projecting front gable end projecting incorporating a flat roofed porch canopy. The dwelling would be finished in red face brickwork and would

include a red coloured plain tiled roof. The cartlodge building would be constructed of oak posts and beams, would have a red face brick plinth and black painted weatherboarding to its enclosed elevations. The roof would have a grey slate finish with red ridge and hip tiles. The front boundary treatment would consist of hedgerows behind a 1.2m high post and rail fence. The design and appearance of the development is considered acceptable.

- 5.3.10 With regard to the proposal's impact upon the area, the applicant's Landscape and Visual Impact Assessment (LVIA) recognises the site is located within the District Landscape Area of F3 which is the Totham Wooded farmland, which covers a much larger area than the site itself. The immediate surroundings include the farmyard and associated buildings to the south with fields to the north and houses along the western side of Kelvedon Road. The LVIA states that existing boundary hedges and trees are to be retained and that new post and rail fencing, characteristic of a rural area, would be used to avoid the garden looking too urban. It is recognised that the proposed dwelling sited centrally within the site and within the existing and proposed landscaping. This is considered in design and in landscape impact terms within this Arcadian landscape. The proposal is therefore acceptable with regard to policies D1 and H4, GT02 of the Great Totham Neighbourhood Plan, the MDDG and the guidance contained in the NPPF.

#### **5.4 Living Conditions and Amenity Space**

- 5.4.1 The proposed dwelling is four bedrooms with an internal floor space in excess of 271sqm. It complies with the minimum gross internal floor area for a four-bedroom (eight person) dwelling as specified in the Nationally Described Space Standards (March 2015). There is also light and ventilation proposed for all the habitable rooms.
- 5.4.2 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 100sqm of private amenity space for dwellings with three or more bedrooms, 50sqm for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.4.3 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.

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

- 5.5.1 LDP 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.
- 5.5.2 The NPPF refers in paragraph 111 that, '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.
- 5.5.3 The Great Totham Neighbourhood Plan policy GT07 encourages the use of car ports and a cartlodge is proposed with this application, and policy GT08 supports pedestrian and cycle access.

- 5.5.4 The proposal would create a new vehicle access onto Walden House Road and the location plan includes sight lines for visibility splays to demonstrate that visibility would be safe for users of the access. Essex County Council (ECC) Highways have no objections to the access but have recommended planning conditions for achieving the visibility splays, the new vehicle access shall need to be at right angles to the highway, no unbound surface materials shall be used within 6m of the entrance to the highway and that any gates to be opening inwards. Subject to these conditions the proposed access arrangement is acceptable having regard to LDP policy T2.
- 5.5.5 The proposal would include a three bay cartlodge for car parking and includes a lean to building for cycle parking. The driveway to the property would also provide ample off street parking. ECC Highways have no objections subject to conditions for achieving cycle parking in accordance with the MDC Parking Standards, and the provision of residential travel information pack for the new occupier. Therefore, the development would provide sufficient off street parking with regard to LDP policy T2 and the Council's adopted parking standards.

## **5.6 Flood Risk and Drainage**

- 5.6.1 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).
- 5.6.2 The site is entirely within Flood Zone 1 and presents a low risk from flooding. The site is less than 1 hectare and therefore does not require a Flood Risk Assessment to accompany the application nor does it require application of the Sequential Test as set out in the NPPF / PPG.
- 5.6.3 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.
- 5.6.4 Subject to the above mentioned recommended conditions, the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

## **5.7 Ecology and Biodiversity**

- 5.7.1 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*'.
- 5.7.2 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.
- 5.7.3 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.

- 5.7.4 The Great Totham Neighbourhood Plan (2022) policy GT04 seeks development proposals to deliver net biodiversity gains and GT05 requires all residential development to make an appropriate financial contribution towards mitigation measures towards Essex RAMS.

#### Ecology

- 5.7.5 The applicant's Preliminary Ecological Appraisal (PEA) (October 2024) identifies that the site was visited in August 2024 and considers that the site as managed and laid lawn has limited ecology presence. The trees on the western boundary may include bats and nesting birds but these trees are to remain as they are so there would be no change. The PEA identifies the bat boxes and bird boxes would be installed on the house and cartlodge building as ecology enhancements. Hedgerows would be installed that would also provide enhancement opportunities for wildlife.
- 5.7.6 The Place Service's Ecology Advisor recognises that the site is suitable for foraging and commuting bats, so a sensitive lighting scheme is needed. The Place Service's Ecology Advisor raises no objections subject to conditions requiring mitigation within the PEA and a biodiversity enhancement scheme to be carried out, and if lighting is proposed then a scheme is to be agreed to minimize any impact upon wildlife. The Place Service's Ecology Advisor on Biodiversity Net Gain (BNG) advises that because the proposal is for one new dwelling and is less than 0.5 hectares it is exempt from the BNG requirements. Such requirements can be secured through a planning condition to meet the requirements of policy N2 of the LDP and the relevant paragraphs of the NPPF and PPG.

#### Impact upon Designated Sites

- 5.7.7 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including MDC, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.
- 5.7.8 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.7.9 To accord with Natural England's (NE) requirements and standard 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 the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 1 no. dwelling

### HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 1 no. dwelling

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

### Summary of Appropriate Assessment

- 5.7.10 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.
- 5.7.11 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £169.45 is required based on the current tariff applied for RAMS mitigation.

### Conclusion to this section

- 5.7.12 Subject to the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to LDP policy N2, the Great Totham Neighbouring Development Plan policies GT04 and GT05, and along with the guidance and paragraphs of the NPPF / PPG.

## **5.8 Impact on Neighbouring Amenity**

- 5.8.1 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.
- 5.8.2 The nearest residential properties are Walden House to the south and Bishops Place to the west. Both are large houses on substantially sized plots that are sufficiently distance from the siting of the proposed dwelling. The proposal would therefore not impact upon the amenities of the occupiers of these properties in terms of built form, overlooking, loss of privacy, overshadowing nor loss of light. The proposed development would therefore not lead to any adverse impact upon the amenities of the occupiers of these properties and therefore the development is acceptable with regard to LDP policies D1 and H4, and Section c07 of the MDDG (2017).

## **5.9 Other Matters**

- 5.9.1 The application includes a Contaminated Land report which has been assessed by the Council's Environmental Health Officer who recommends a condition is imposed in case there is any unforeseen contamination arising from the construction process of the development.
- 5.9.2 The application includes a Heritage Statement but as there are no heritage assets within the immediate vicinity of the site, so there are no heritage considerations necessary for this application.
- 5.9.3 The application includes a range of renewable and energy efficient measures to meet the requirements of LDP policy D4 and Great Totham Neighbourhood Plan policy GT06 through solar panels to the roof, air source heat pumps and water butts for recycling rainwater.

## **6. CONCLUSION**

- 6.1.1 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies and therefore the development of sites such as this outside of settlement boundaries needs to be considered as whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained in this assessment the site is considered to be located in a sustainable location for this development in close proximity and is accessible to two 'larger villages' as defined in policy S8 which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.
- 6.1.2 Given the scale of development (one dwelling) limited positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the development is outside of any settlement boundary, taking into account recent local decisions it is considered that the site lies in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day to day services and facilities. Other environmental impacts can be addressed by way of conditions. The proposed design of the dwelling and its siting would be set back from the road and is considered acceptable in this Arcadian landscape setting and this environmental benefit is given moderate weight in the planning balance. The proposed would be acceptable with regard to highway, drainage, ecology and biodiversity subject to mitigation through planning conditions and a planning obligation towards Essex RAMS.
- 6.1.3 Overall, the benefits of the development would outweigh the harms identified.

## **7. ANY RELEVANT SITE HISTORY**

- 7.1 The relevant planning history is show in the table below:

Reference	Description	Decision
20/00899/FUL	Construction of a menage for personal use	Approved 25.11.2020

## 8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 8.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Totham Parish Council	Objects as the proposed development is on land outside of any area intended for development and contrary to the Great Totham Neighbourhood Plan and the Maldon District Plan	See section 5.1 of the Assessment

### 8.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways	No objection subject to conditions regarding visibility splays, new vehicle access to be a right angles to the highway, no unbound surface materials, any gates to be opening inwards, cycle parking in accordance with the Maldon District Council Parking Standards, and the provision of residential travel information pack for the new occupier	See section 5.5 of the Assessment
Place Services - Ecology	No objection subject to securing biodiversity mitigation and enhancement measures being secured through planning conditions with regard to the ecological appraisal recommendations, a biodiversity enhancement strategy and wildlife sensitive lighting	See section 5.7 of the Assessment

### 8.3 **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objections subject to conditions for surface water drainage, foul drainage and for unforeseen contamination	See section 5.6 of the Assessment



## 8.4 Representations received from Interested Parties (*summarised*)

8.4.1 **Two** different comments were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Contrary to the Development Plan and policies S1, S8, D1 and H4	See section 5.1 of the Assessment
Green rural site with wonderful uninterrupted countryside views	Noted. Views are not protected through the planning regime.
The existing menage and surrounding horse grazing areas are in keeping with the overall character and rural green nature of the countryside	Noted
A large house and detached cart-lodge garaging on the site would significantly alter the verdant character of the area through the introduction of built form and other domestic paraphernalia	See section 5.3 of the Assessment
Would lead to demonstrable harm to the character and appearance of the site and the surrounding area	See section 5.3 of the Assessment
Would urbanise an area currently rural in nature and would be out of keeping with this part of the village and the western end of Walden House Road	See section 5.3 of the Assessment
The owners may well choose to no longer use the menage for its original intended purpose but that does not justify conversion of the countryside rural setting to develop a large dwelling and detached cart lodge	See section 5.1 of the Assessment
The application is not on 'unused residential land' as stated at paragraphs 4.8 and 4.24 of the planning statement	Noted
Maldon Council's latest 5YHLS position for 2023-2028 shows that the Council has a 6.3 year supply of housing sufficient to meet its quotas	See section 5.1 of the Assessment
Loss of parking along Walden House Road and lead to safety concerns	See section 5.5 of the Assessment
The development height and position would make the upstairs windows and roof of the proposed building immediately visible to the outlook of existing windows of upstairs bedrooms and bathrooms of Walden House and there is a substantial risk of overlooking	See section 5.8 of the Assessment
Change from environmental of rural darkness to significant urbanisation	See section 5.1 of the Assessment
No explanation as to what the plans are for the remaining section of the menage	Noted, but the remaining part of the menage is outside of the site area

9. **PROPOSED CONDITIONS INCLUDING HEADS OF TERMS FOR ANY SECTION 106 AGREEMENT**

**Section 106 legal agreement**

A financial contribution of £169.45 for mitigating the impact upon the Zol of the Essex Coast RAMS as new residential development is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

**Proposed Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans as identified above.  
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 No development above slab level shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development and the site boundaries hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.  
REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 No development above slab level shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including 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 first occupation 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, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification] no building/outbuilding, enclosure, swimming or other pool, container,

veranda/balcony/raised platform shall be carried out on the site without planning permission having been obtained from the Local Planning Authority.  
REASON: In the interests of visual amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 6 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be submitted to and approved in writing by the Local Planning Authority before the access is first used by vehicular traffic. The vehicular visibility splays as approved shall be retained free of any obstruction at all times thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 7 Prior to first occupation of the development, details of the proposed new vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the proposed new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no more than 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. The proposed new vehicular access shall be implemented as approved and maintained and retained at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the Maldon District Local Development Plan.

- 10 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that for a minimum:

- 1) The development shall need to manage water on site for 1 in 100 year events plus 40% climate change allowance.

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

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

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

The approved scheme shall be implemented prior to the first occupation of the development and be retained for that purpose at all times thereafter.

- 11 REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policy D5 of the Maldon District Local Development Plan. No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and then maintained and retained at all times thereafter.

- 12 REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policy D5 of the Maldon District Local Development Plan. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out shall be submitted to the Local Planning Authority for approval in writing.

- 13 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy D5 of the Maldon District Local Development Plan. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, October 2024). This may include the appointment of an appropriately competent person e.g., an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall

undertake all activities, and works shall be carried out, in accordance with the approved details.

**REASON:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 14 No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- Purpose and conservation objectives for the proposed enhancement measures;
  - Detailed designs or product descriptions to achieve stated objectives;
  - Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - Timetable for implementation;
  - Persons responsible for implementing the enhancement measures;
  - Details of initial aftercare and long-term maintenance (where relevant).

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

**REASON:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 15 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
- REASON:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

**Application Plans:**

23.12.001 – Site Location Plan

23.01.002 – Block Plan

23.01.013 – Proposed Site Plan

23.01.006 – Proposed Ground and First Floor Plans

23.01.007 – Proposed Roof Plan Section A-A and Gate Details

23.01.008 – Proposed Elevations

23.01.009 – Proposed Cart Lodge Plan Elevations Roof Plan and Section A-A

23.01.014 – Proposed Street Scene