



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

to
**CENTRAL AREA PLANNING COMMITTEE
2 JULY 2025**

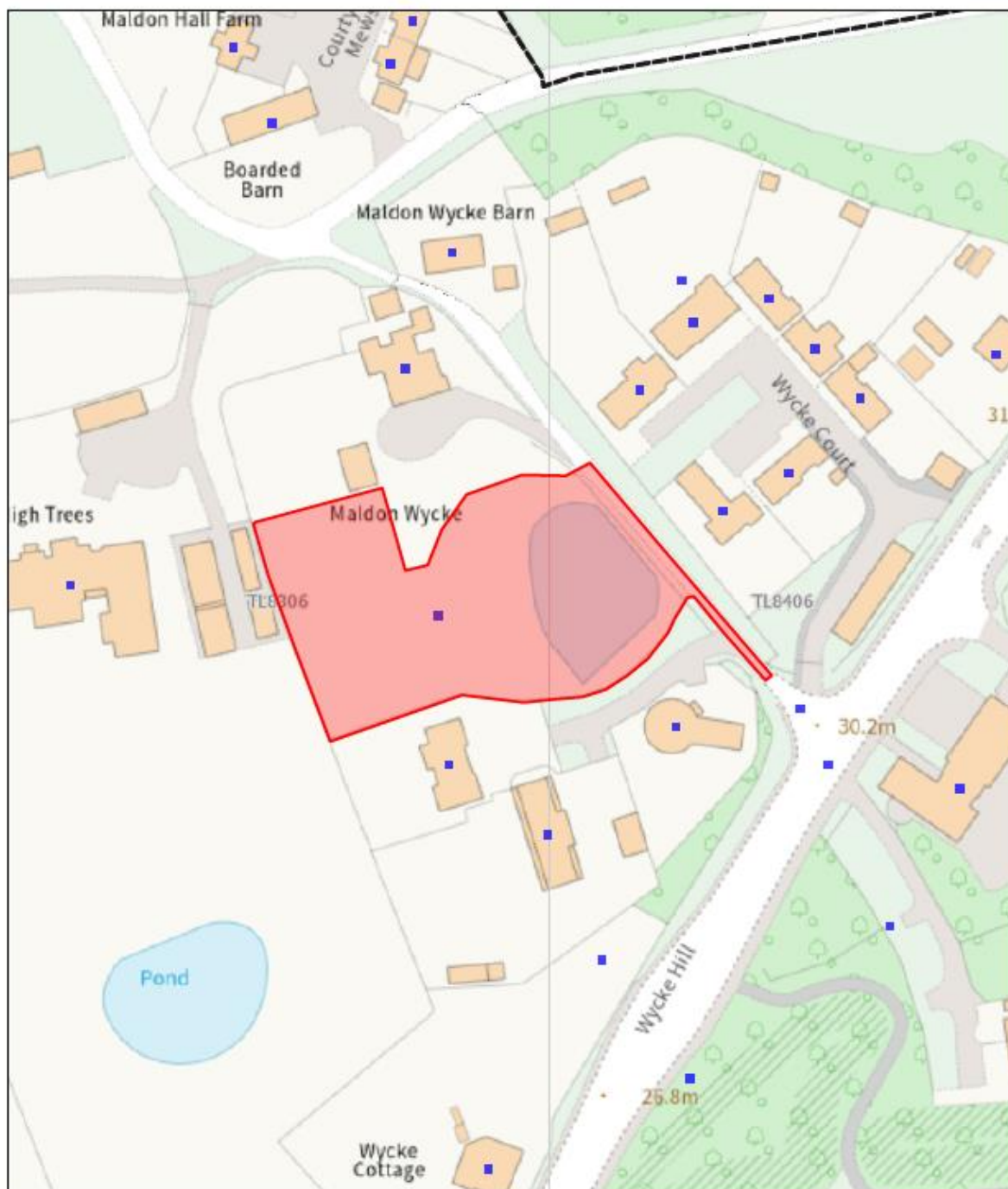
Application Number	25/00216/FUL
Location	Land adjacent Maldon Wycke Spital Road Maldon
Proposal	Proposed detached dwelling and garage
Applicant	Mr and Mrs D Cozens
Agent	Mr Ashley Robinson
Target Decision Date	7 th July 2025
Case Officer	Saffron Loasby
Parish	MALDON
Reason for Referral to the Committee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

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.

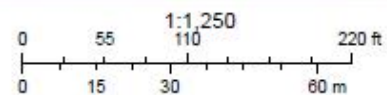
2. SITE MAP

Please see overleaf.



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- GMS BLPU Points
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the north western side of Spital Road, in a rural area outside of the defined settlement boundary of Maldon. Spital Road is characterised largely by open expanses of agricultural fields to the north and west, development is sporadic and loose knit in nature. The application site is currently occupied by a single large residential property with various single storey structures. Access is taken from Spital Road through a narrow-made track.
- 3.1.2 The application site is part of the curtilage of Maldon Wycke, a Grade II listed building. The site is within Flood Zone 1 and presents a low risk of flooding.

The Proposal

- 3.1.3 Planning permission is sought for a single storey detached dwelling comprising an open plan living space (kitchen/dining/living), two double bedrooms with ensembles (one with a large dressing/storage area), separate WC and detached garage.
- 3.1.4 Detailed drawings show the dwelling to measure approximately 5m to the highest ridge, 4.6m to the ridge of the front and rear projections and 2.5m to the eaves. The footprint comprises maximum dimensions of 15.3m in width and 10.2m in depth. Materials proposed include a stock brickwork plinth and chimney, black stained timber weather boarding, handmade clay plain tile roofing and cottage style doors and windows.
- 3.1.5 The garage would be sited to the south of the dwelling, measuring 4.3m to the ridge, 2.2m to the eaves and proposed to be built from similar materials for the plinth and boarding with a natural slate roof. The footprint would measure 7.5m in width and 6.3m in depth. Three openings comprising a pedestrian access, up and over garage door and rear facing window for light are located on the north, east and west elevations, respectively (incorrectly demarcated on the drawing).
- 3.1.6 Access would be off Spital Road, via a private road located to the north of the existing pond, sweeping back into the southwest corner of the plot; some 48m from Maldon Wycke at its closest point. The driveway would comprise a new gravel hardstanding and the rear garden is already established with lawn and an existing dense hedgerow to the rear along the western boundary. Parking for three+ cars would be provided by both the garage and driveway with ample turning space available.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, as set out within this report, consideration must be given to previous planning appeal decision allowed in 2018 (under 18/00186/FUL) where it was accepted that the site was within a sustainable location even though it is located outside the town's settlement boundary. The principle of the development as sustainable development and a departure from the Local Development Plan (LDP) is therefore considered acceptable
- 3.2.2 Furthermore, the previous planning application for a new dwelling on this site (23/00961/FUL) was not refused on grounds of sustainability or its location in the

countryside but rather on grounds of design and its impact on the adjacent listed buildings, the absence of a completed legal agreement to secure a contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and insufficient information with regard to trees.

- 3.2.3 The design and materials of the proposed development are considered acceptable and would comprise a sensitive development subservient to, and detached from, the host dwelling. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity, subject to planning conditions and the required Unilateral Undertaking (UU).
- 3.2.4 The proposed development overcomes the previous reasons for refusal and accords with the relevant policies contained within the approved Maldon District LDP and the National Planning Policy Framework (NPPF) and is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 54 – 58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving the natural environment
- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land

- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 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 prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years supply.

- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the 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 Five-Year Housing Land Supply (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.
- 5.1.8 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

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

Environmental Dimension

- 5.1.10 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. This is supported by the update of the Government’s Policy Paper, *‘Strategic road network and the delivery of sustainable development’* (Updated 23

December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that “new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable”.

- 5.1.11 As part of the appeal decision relating to application 18/00186/FUL (Permission for three detached dwellings (revised design and re-submission of application FUL/MAL/17/00856)), the inspector concluded that the residential development of the site would be contrary to Policies S1 and S8 of the LDP. However, despite this, inspector noted that the future occupiers would have access to services and facilities and would not be dependent of private motor vehicles. Consequently, it was considered that the proposal accorded with the aims of NPPF in that regard and the principle of development was considered acceptable.
- 5.1.12 In this instance, the proposed development would not be isolated as it is approximately 100m from the development boundary of Maldon and is surrounded by dwellings. Furthermore, it would have access to services and facilities without relying heavily on private motor vehicle given its location. Spital Road is a well-lit road with footpaths on both sides of the street. Bus stops are located to the north and south of the application access within short walking distances (230-350m). Maldon High Street is also within walking distance of the site (1.1miles) with supermarkets and a retail and industrial park located approximately 550m to the south of the site. Furthermore, recent permissions in the vicinity whereby the circumstances of this application are almost identical, there is no reason to come to a different conclusion in terms of locational sustainability.
- 5.1.13 With regard to other environmental considerations, these are assessed in detail below.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

- 5.1.16 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LDP, future occupiers would have good access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for

different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build. The only significant change with the new NPPF is the emphasis on the provision of Social rented accommodation

- 5.2.4 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for four+ bedroom market dwellings.
- 5.2.5 The plans submitted as part of the application provide for a two bedroom dwelling, which would assist in meeting this established need in the District, however this would be nominal contribution given that only a single dwelling is proposed.

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

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.5 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved 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.
- 5.3.7 Maldon Wycke is a 17th-century former farmhouse with a front extension of c.1800. The form and evolution of the building is in many ways typical of farmhouses in the Maldon District, but Maldon Wycke is a particularly fine example. The house has an attractive Georgian façade of grey gault bricks, multi-paned sash windows and a classical front door surround. The significance of the listed building derives primarily from its architectural interest. The house shares 'group value' with a grade II listed Georgian weatherboarded cartlodge and granary to the northeast, which was recently converted to a house.
- 5.3.8 The setting of Maldon Wycke has changed over time. It is no longer an isolated farmhouse. High Trees, a large Tudor-style house to the west of Maldon Wycke, was approved in 2007 (FUL/MAL/07/00540). In 2014 a group of houses now known as Wycke Court replaced former farm buildings to the southeast of Maldon Wycke (FUL/MAL/14/00723). Recently, three houses were built on land to the south of Maldon Wycke (FUL/MAL/18/00186), at the end of what was formerly the large garden of the house. These new buildings are all of good quality design and traditional materials.
- 5.3.9 Although the nearby modern development has meant that Maldon Wycke is no longer as isolated as it once was, its remaining garden, including a large old pond, helps maintain a spacious and verdant rural setting to the former farmhouse that is complementary and appropriate.
- 5.3.10 This current application follows a previous refusal for a house on the site (ref. FUL/MAL/23/00961). One of the reasons for refusal concerned the impact of the proposal on the setting of Maldon Wycke as a listed building. It stated:
- The proposal by reason of its design, location and siting would erode Maldon Wycke's spacious and verdant rural setting and fail to respond to the high architectural quality of the listed building and the other buildings in the vicinity. As such, the development proposed would fail to preserve the special interest of the listed building contrary to Policy D3 of the Maldon Local Plan, Section 16(2) of the Planning (Listed Building and Conservation Area) Act 1990 and the Paragraphs 207-208 of the National Planning Policy Framework (December 2023).*
- 5.3.11 The proposed house is notably smaller in scale than the refused scheme. It would be a modestly scaled bungalow of traditional design and materials. The position of the house and garage, the buildings' modest scale, and their traditional design, mean that the buildings would not impact negatively upon any views of or from the listed building. The side garden of the proposed house would maintain a generous piece of undeveloped ground adjacent to Maldon Wycke.
- 5.3.12 The Council's Principal Conservation Heritage Officer has advised that subject to the use of good quality and sympathetic materials, the proposal should cause no harm to the setting or significance of the nearby listed buildings. Comments read:

In my judgement, the development would not harm the setting or significance of the nearby listed buildings. As such the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3.13 Overall, based on the plans submitted, it is considered that the site would be able to accommodate a single dwelling of the style indicated, would not appear as an incongruous form of development and would not urbanise the rural character and appearance of the area. Furthermore, Officers are satisfied the proposals sufficiently overcome the previous reason for refusal in terms of on impact on the setting of the listed building.

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

5.4 Impact on Residential Amenity

5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

5.4.2 The neighbours that may be potentially impacted by the proposed development are the neighbours to the south in Willow House, High Trees to the north west and Maldon Wycke to the north east. The closest of which, Willow House, is located approximately 14m away, end to end. There are no openings in the end (east) elevation of the proposed dwelling and the garage siting assists in protecting future residents from overlooking into the proposed rear garden. The other neighbouring properties are significantly further away and in excess of the required 25m distance detailed in the (MDDG) (C07 Residential Outdoor Amenity). Also, reference the single storey nature of the dwelling thereby limiting potential for overlooking.

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

5.5 Living Conditions for Prospective Occupiers

5.5.1 The indicative plans submitted with the outline application show a two-bedroom bungalow of approximately 130m² which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.

5.5.2 The proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

5.6 Access, Parking and Highway Safety

5.6.1 Policy T2 of the approved LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking

facilities having regard to the Council's adopted parking standards. Policy D1 seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.

- 5.6.2 The NPPF refers in paragraph 111 that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'*.
- 5.6.3 A new driveway and access would provide access to serve the new dwelling. The Highway Authority has been consulted and raised no objection to the proposal in terms of access, subject to appropriate conditions relating to cycle parking and provision of Travel Information Packs prior to occupation.
- 5.6.4 The proposed drawings do not specifically show provision on the site, however there is clearly more than adequate parking provision for the parking of three or more cars to the front of the house, in front of the garage and inside the garage, which would accord with the Council's Vehicle Parking Standards for dwellings of two or more bedrooms. It is considered that the site would be able to provide sufficient parking for a single dwelling.
- 5.6.5 Given the sizeable garage, on site turning and manoeuvring space and private rear and side garden officers do not agree it is necessary to secure separate cycle parking beyond what is being made available on site.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 Plans demonstrate that the rear and side garden area as proposed is likely to far exceed the level of private amenity space provision required. It is considered that the site would be able to accommodate sufficient high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

5.8 Flood Risk and Drainage

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 The proposal has been reviewed by the Council's Environmental Health Officer, who advises that details regarding surface water and foul water drainage would be required and could be imposed by way of conditions on any permission.
- 5.8.4 Subject to the above mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.9 Ecology and Biodiversity

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

Ecology

- 5.9.4 The application is supported by a Preliminary Ecological Appraisal (PEA) (prepared by Hybrid Ecology May 2024).
- 5.9.5 The Council's ecology consultant, Place Services, has reviewed the submitted information and is satisfied that there is sufficient ecological information available for determination of this application providing certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable enhancement measures recommended in the submitted Preliminary Ecological Appraisal are supported. Conditions are therefore recommended to secure the measures in the submitted documents are carried out, to secure a biodiversity enhancement strategy and ensure a wildlife sensitive lighting scheme.

Impact on Designated Sites

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

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

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

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

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

Summary of Appropriate Assessment

- 5.9.8 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.9 The RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025/26 figure) and thus, the developer contribution should be calculated at this figure.
- 5.9.10 The applicant is aware of the required documents and arrangements are being made to ensure the relevant checking and monitoring fees, and a completed and signed unilateral undertaking are in place to ensure that mitigation is secured.

Biodiversity Net Gain

- 5.9.11 The application as submitted seeks permission for the construction of a self-build dwelling, which is exempt from Biodiversity Net Gain. Notwithstanding the exemption, as part of the submitted PEA the outline scheme proposes a number of ecological enhancements (bat boxes, bird boxes, hedgehog box, appropriately selected plant species and soft landscaping design) to be incorporated into the design – these would be secured by way of planning condition as noted at paragraph 5.9.5 above.

Trees

- 5.9.12 The application is supported by arboricultural documentation compiled by Moore Partners which indicates all existing trees can be retained and protected throughout the proposed development.
- 5.9.13 The Council's Arboricultural consultant supports the application subject to the compliance with the full methodologies and practices specified within the reports and plans. Further detail is required in the form of a final tree protection plan and arboricultural method statement prior to development commencing. This information can be secured by way of planning condition.

5.10 Other Matters

Pre-commencement conditions

- 5.10.1 The applicant has raised no objection to the imposition of the 'pre-commencement' conditions relating to Construction Method Statement, ground/finished floor levels and arboricultural works recommended below.

5.11 Planning Balance

- 5.11.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.11.2 Given the scale of development (one dwelling) limited positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the development is outside of any settlement boundary, taking into account recent local decisions, the accessibility and proximity to local services and facilities it is considered that the site lies in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day to day services and facilities. Other environmental impacts can be addressed by way of conditions.
- 5.11.3 Overall, the benefits of the development would outweigh the harm identified.

6. ANY RELEVANT SITE HISTORY

6.1.1 Application site planning history:

- **24/00934/FUL** – Proposal for a detached dwelling and garage – Withdrawn.
- **24/00945/HOUSE** – Construction of driveway entrance gates and wall – Approved.
- **23/00961/FUL** – Proposed detached house and garage – Refused.
- **19/00379/HOUSE** – Construction of a single storey outbuilding, pathway, tennis court and estate fencing – Approved.
- **18/01492/HOUSE** – New maintenance building and tennis court. New garden wall, gate and fencing – Withdrawn.
- **18/01493/LBC** – Garden wall, gate and hazel screen – Granted.
- **17/00029/LBC** – Demolition of a late 20th Century fletton brick chimney – Granted.
- **16/00596/HOUSE** – Single storey extension and alterations with erection of new open carport, garden wall and garage – Approved.
- **16/00508/LBC** – Single storey extension and alterations with erection of new open car port, garden wall and garage – Granted.

6.1.2 Neighbouring site planning history:

- **18/00186/FUL** – Land at Maldon Wycke, Spital Road, Maldon – Permission for three detached dwellings (revised design and re-submission of application FUL/MAL/1700856) – Refused and Dismissed.
- **19/00786/FUL** - Land at Maldon Wycke, Spital Road Maldon – Permission for three detached dwellings – Refused and Allowed.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of this application; however the Town Council remains concerned about the added pressure of traffic on the junction from a private road, opposite the Fire Station, onto the busy A414.	Noted. The principle of development is discussed in section 5.1 and impact on character and appearance of the area is discussed in section 5.3 of this report.

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

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

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation	No objection subject to conditions securing materials, boundary treatment and fenestration detail.	Noted, addressed in section 5.3.12 of the report and conditions included in the recommendation.
Environmental Health	No objection subject to conditions regarding surface water drainage, Foul drainage and informative regarding refuse, land contamination, construction, small sewage treatment plants and watercourse alteration	Noted, addressed in section 5.8.3 of the report and conditions included in the recommendation.
Ecology	No objection subject to conditions securing ecological appraisal compliance, a Biodiversity enhancement strategy, lighting scheme and securing a financial contribution towards Essex Coast RAMS.	Noted, addressed in section 5.9 of the report and conditions included in the recommendation. Satisfactory unilateral undertaking has been submitted to secure

Name of Internal Consultee	Comment	Officer Response
		RAMS contribution.
Trees	No objection subject to conditions requiring the submission of a tree retention and protection plan, arboricultural impact assessment and method statement.	Noted, addressed in section 5.9.12 of the report and conditions included in the recommendation.

7.4 Site Notice / Newspaper Advert

- 7.4.1 The application was advertised by way of a site notice posted on the 2 April 2025 (with expiry date for comments having been set at 25 April 2025). The site notice was affixed at eye level to the nearest pole located to the southeast of the application site, in a prominent position within the street scene where Spital Road meets Wycke Court.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 3 April 2025 (with expiry date for comments set at 24 April 2025).

7.5 Representations received from Interested Parties

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

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted shall commence not later than three years from the date of this decision.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall commence, including any works of demolition, until full details of both the finished levels, above ordnance datum, of the ground floor of the proposed dwelling and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
REASON: To avoid the excessive raising or lowering of any ground levels and therefore any buildings within the site and to ensure that the development does not prejudice the appearance of the locality in accordance with policy D1 of the Maldon District Approved Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.
- 4 No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the dwelling hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Samples or high quality photographs of the bricks and roof tiles to be used and information on their source shall be submitted also. The development shall only be implemented in accordance with the approved details and permanently retained as such.

REASON: To ensure that the development does not prejudice the appearance of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

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

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

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

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

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

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

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

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

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

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

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

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

- 8 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure that the foul water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan July 2017.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1 and T2 of the Maldon District Approved Local Development Plan July 2017.

- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the *Low Impact EcIA (Hybrid Ecology, May 2024)* submitted with the application.

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

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

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

The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

- 12 REASON: To enhance Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework. Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

- 13 REASON: To enhance and protect Protected and Priority Species/habitats in accordance with policy N2 of the Maldon District Approved Local Development Plan July 2017 and guidance contained within the National Planning Policy Framework. No development shall commence, including any works of demolition, until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

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

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

- 14 REASON: To ensure appropriate protection for the retained trees on and adjacent to the site in the interest of the character and appearance of the site, in accordance with Policies S1, D1, and N2 of the Maldon District Approved Local Development Plan 2017 and guidance contained within the NPPF. Prior to above ground works, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: -:

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

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

The development shall be carried out in accordance with the approved details and implementation timetable. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, AA and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

REASON: In order to ensure neighbouring residential amenity in accordance with policy D1 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

- 16 The weatherboarding shall be featheredged timber painted black and all windows, doors, fascias and soffits shall be of painted timber only.

REASON: To ensure that the development does not prejudice the appearance of the locality and in accordance with policy D1 of the Maldon District Approved Local Development Plan July 2017.

- 17 The dwelling hereby permitted, shall, for a period of two years upon the first occupation of the dwelling, only be occupied by the applicant (or Mr Richard Cozens), or a widow, widower or surviving civil partner of such a person, and by any resident dependants, and shall only be occupied as their primary residency.

REASON: To ensure that the dwelling is constructed and occupied as a self-build and custom house build.

- 18 The two year period of occupancy in condition number 17 will only start to run once the Local Planning Authority has been informed in writing that a lawful occupancy has begun.

REASON: To assist the Council in enforcement of the occupancy condition.

INFORMATIVES

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

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to

consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment. Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter. Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 2 When a sewage treatment plant or septic tank is installed, the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.
- 3 The applicant should be made aware of the potential relocation of utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- 4 There shall be no discharge of surface water from the development onto the Highway.
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- 6 Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
- 7 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- 8 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

APPLICATION PLANS

02 Rev B – Location and Block Plan

01 Rev B – Proposed Elevations and Floor Plan

03 Rev B – Proposed Garage Elevations