



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
10 SEPTEMBER 2025**

<b>Application Number</b>	<b>25/00403/FUL</b>
<b>Location</b>	Land Rear of Green Man Inn, Green Man Lane, Little Braxted
<b>Proposal</b>	Construction of a detached five bedroomed dwelling
<b>Applicant</b>	Mr J Purdy
<b>Agent</b>	Ms Alice Quinn – Smart Planning Ltd
<b>Target Decision Date</b>	18.06.2025
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>Little Braxted</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Plan. Member Call In – Councillor S J N Morgan - additional evidence that counters previous reason for refusal, contentious application to be considered in public.

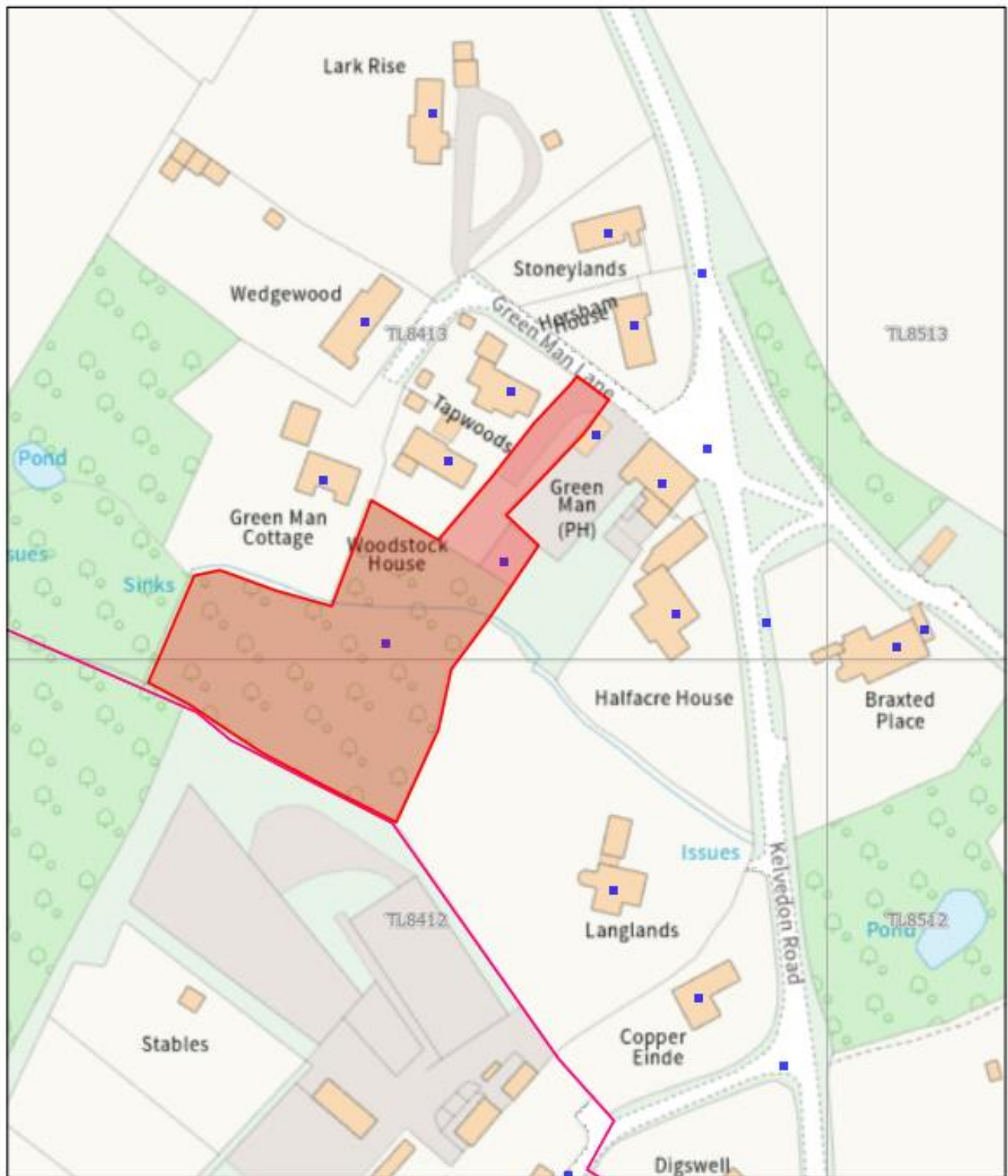
**1. RECOMMENDATION**

**APPROVE** subject to the agreed Unilateral Undertaking to secure the planning obligations and subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.

25/00403/FUL



### **3. SUMMARY**

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

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

#### **The Proposal**

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

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

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

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

#### Background

3.1.14 An application for the same development was refused by the North Western Area Planning Committee in January 2025, with the single reason for refusal being:

The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Council's spatial strategy contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework.

3.1.15 The current application is supported by a Transport Statement and Planning Support Statement which provide further information in support of the site's sustainability credentials.

### **3.2 Conclusion**

3.2.1 Officers remain unconvinced that the site is in an accessible location for pedestrians. However, as set out in the Transport Statement, the location of the Sustrans cycle network does clearly indicate the site can be accessed by means other than the private car and therefore does provide a genuine choice of transport mode in accordance with paragraph 110 of the National Planning Policy Framework (NPPF). Taking this into account, together with the proximity of the site to the bus service on Kelvedon Road and facilities and services in the nearby village of Wickham Bishops, it is considered, on balance, that the site is in a sustainable location. Accordingly, the previous reason for refusal is no longer considered appropriate.

3.2.2 It is therefore considered that the proposed development, for the reasons explained in this assessment the site is, on balance, located in a sustainable location due to the presence of the Sustrans cycle route and proximity of the site to services and facilities in Wickham Bishops. The applicant has demonstrated through this updated submission that alternative means of transport, in particular cycling, are available. The principle of the development as sustainable development and a departure from the Local Development Plan (LDP) is therefore considered acceptable.

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 61 – 84 Delivering a sufficient supply of homes
- 108 – 111 Promoting sustainable transport
- 123 - 127 Making effective use of land
- 131 - 141 Achieving well designed places
- 161 - 186 Meeting the challenge of climate change, flooding and coastal change.
- 187 – 201 Conserving the natural environment
- 202 - 214 Conserving and enhancing the historic environment.

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- 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 (MDDG) (2017)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (VPS) (2018)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and

Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

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

#### Five Year Housing Land Supply (5YHLS)

- 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 / 24, 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 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.
- 5.1.11 Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 110 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"*.
- 5.1.12 The application site is located in Little Braxted. This is identified as an 'other village' in the settlement hierarchy of the approved LDP. Paragraph 2.102 of the approved LDP refers to 'other villages' and states that, *'these are other rural villages with no defined settlement boundary'*.
- 5.1.13 The previous application for the same development, ref. 24/00253/FUL, was refused by this Committee in January of this year and is a material planning consideration.
- 5.1.14 As part of the Members' Update for the previous application, Officers referred to a recent appeal decision (APP/X1545/W/24/3342289) for the 'development of existing garden with a new detached dwelling' at Land at Carters Lane, Wickham Bishops, approximately 0.5 miles to the south of the site. In the decision, the Inspector acknowledged that the appeal site was within walking distance of Wickham Bishops shops and facilities at Witham Road, and bus stop on Kelvedon Road. However, the Inspector commented that, *"most likely walking and cycling routes to these facilities, via Carters Lane and Tiptree Road, are rural roads with no footways or lighting, for at least the first 300m or so. The verges to these sections of road are narrow at*

*best, and some parts are banked or overgrown, so that pedestrians would have little choice but to walk on the carriageway. Cyclists too would be potentially vulnerable in these conditions. I appreciate that a 30 mph speed limit applies, but even so, traffic moving at that speed can cause serious injury. Although Carters Lane is quite quiet, it is not disputed that Tiptree Road is significantly busier. Neither of roads serving appeal site can be said to provide for reasonably safe connections for regular use either on foot or by bicycle. In this regard the development would be contrary to the aims of Policy T2 with regard to ensuring that developments benefit from safe and convenient opportunities for sustainable travel”.*

- 5.1.15 Officers gave significant weight to the above decision however it is noted that the decision was made when the Council had a 5YHLS. In the Planning Support Statement submitted with the current application, the applicant has provided details of other decisions in the area, albeit not so recent, where a different view was taken, these are also material planning considerations which the LPA is required to regard to in its considerations. Of relevance is a decision for a new dwelling at Land West of Abbottswood, Beacon Hill (ref. 18/00619/FUL) where Officers stated that the site *“has reasonable access to village services and support facilities which is comparable to other dwellings in the locality”*. The other relevant decision is at land associated with Heath House, Braxted Road, Little Braxted (ref. 11/00366/FUL and appeal ref. APP/X1545/A/11/2156660) which was allowed at appeal. In respect of the site’s location, the Inspector stated, *“It would be accessible to community facilities and employment by a range of transport modes other than the private car”*. Both of these sites, and also the application site, are slightly more accessible than the Carters Lane site, particularly due to the narrowness of Carters Lane itself.

- 5.1.16 Furthermore, in support of this current application, the applicant has submitted a Transport Statement. Of particular note in regard to the accessibility of the site, the Transport Statement states the following:

*“It is germane to note that Kelvedon Road forms part of the Sustrans National Cycle Network (Route16) and Beacon Hill forms part of Route 1 of that network.*

*Additionally, both Braxted Road and Tiptree Road are designated link routes within the National Cycle Network. The site therefore has direct access to the National Cycle Network which runs along Kelvedon Road providing cycle connections via the Network to Witham, Maldon, Chelmsford and Tiptree. 3.13 Given that these routes form part of the Sustrans Network, they are deemed to be safe and suitable for use by cyclists.”*

- 5.1.17 The location of the abovementioned cycle network in relation to the application site is shown on the map below.





Map 1: Site location and Sustrans Cycle Route network

5.1.18 The site is more limited in terms of pedestrian access. The Pedestrian Isochrone in the Transport Statement illustrates the locations that can be reached on foot from the site within 10, 15 and 20 minutes and shows that the site is within 10 minute walk of bus stops in Kelvedon Road and within a 15 minute walk of local shops and facilities. The site is also within a 20 minute walk of Great Braxted Primary School. There are also bus stops on Kelvedon Road, approximately 500m from the site. However, there are no footways on Kelvedon Road therefore pedestrians would need to walk on the road itself or on the grass verge.

5.1.19 Whilst Officers remain unconvinced that the site is in an accessible location for pedestrians, the location of the Sustrans cycle network does clearly indicate the site can be accessed by means other than the private car and therefore does provide a genuine choice of transport mode in accordance with paragraph 110 of the NPPF. Taking this into account, together with the proximity of the site to the bus service on Kelvedon Road and facilities and services in the nearby village of Wickham Bishops, Officers consider, on balance, that the site is in a sustainable location and is therefore sustainable development. Accordingly, the previous reason for refusal is no longer considered appropriate. It should be noted this position is taken having regard to the material factors relevant to this development site.

#### *Social Dimension*

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

#### *Economic Dimension*

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

### Housing Provision and Mix

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

### Summary of Principle of Development

- 5.1.27 The site is outside a settlement boundary and does not meet any criterion for being acceptable with regard to Policy S8, the proposal does not accord with the policy. However, the site is accessible by means other than the private vehicle, notably cycles, due to its location near the Sustrans cycle network. This means occupants would not be wholly reliant on the use of the private vehicle to access facilities and services. On balance, the development is considered to be sustainable development.

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

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

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

### 5.3 Impact on Amenity of Prospective Occupants

- 5.3.1 The proposed dwelling is five bedrooms with a floor space in excess of 300sqm. It complies with the minimum gross internal floor area for a five bedroom (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.
- 5.3.2 The NPPF states that, 'decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It further states they should, 'mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life'.
- 5.3.3 The Council's Environmental Health Officer has been consulted and noted that this application was not supported by a noise impact assessment.
- 5.3.4 The applicant submitted a Noise Assessment (prepared by Healthy Abode Acoustics October 2024) with the previous application. The report concluded that, *'internal noise levels within the proposed development are predicted to meet the guideline noise criteria contained in BS 8233:2014 provided the identified appropriate minimum specified glazing, ventilation and façade materials are installed to a good manner of workmanship'*. It further stated that, *'noise monitoring data confirms that the external amenity areas achieve the desirable levels as set in BS8233:2014 and WHO (1999) guidance levels, therefore no mitigation is required.'* The noise report was not submitted with this current application.
- 5.3.5 The Environmental Health Officer previously reviewed the noise assessment and commented that, 'The Green Man is a licensed premises with provision for regulated entertainment including amplified recorded and live music until midnight during weekend periods. There is no discussion in the report about activities at the Green Man other than what was audible during the monitoring period which appears to be patrons in the beer garden. The noise report should reflect the potential disturbance which may emanate from the licensed premises and provide any suitable mitigation measures. A series of short term noise measurements as well as 63Hz / 125Hz octave frequencies during periods of entertainment will better capture the music noise level. Appendix C1 provides calculations to determine glazing specifications. However, it appears that calculations have been done for rooms at the rear of the property rather than the front which are more likely to be affected by activities at the public house'. The Environment Health Officer has advised, in response to this application that a condition requiring a noise report is required and it should reflect the potential disturbance which may emanate from the licensed premises and provide any suitable mitigation measures. The Environmental Health Officer did acknowledge that, there have been no record of recent noise complaints and there are already properties in the vicinity of the Public House. A condition requiring a noise impact assessment is recommended.
- 5.3.6 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.3.7 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 Maldon District Design Guide SPD.

- 5.3.8 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the Maldon District Design Guide SPD.

## **5.4 Heritage**

- 5.4.1 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.
- 5.4.2 The Green Man Public House (situated approximately 10 metres from the site) and Green Man Cottage (situated approximately 11 metres from the site) are Grade II Listed. The Green Man Public House has architectural interest as a Georgian public house, domestic in style, with a fine array of old sash windows on its painted brick front (north) elevation. Green Man Cottage has architectural interest as a Georgian row of three vernacular cottages with a gambrel roof, later converted into a single dwelling.
- 5.4.3 The Specialist Heritage and Conservation Officer has been consulted and raised no objection to the proposal stating that, 'The application site forms part of the wider setting of both listed buildings, providing a pleasant rural backdrop, but makes a neutral contribution to their significance. The trees along the boundary of the application site mean that there is little inter-visibility between the listed buildings and the application site. In my judgement, the proposed house would not have a negative impact on any views of or from the listed buildings. I advise that no harm would be caused to the setting or significance of the listed buildings'.
- 5.4.4 The proposal therefore accords with the NPPF and Policy D3 of the approved LDP.

## **5.5 Impact on Residential Amenity**

- 5.5.1 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.
- 5.5.2 The site adjoins four neighbouring dwellings and the Green Man Public House. To the north is 'Tapwoods', 'Woodstock House' and to the north west is 'Green Man Cottage'. To the north east is 'Green Man Public House'. To the south east is 'Langlands'.
- 5.5.3 Objection representations have been received from occupants of a neighbouring dwelling.

- 5.5.4 The proposed dwelling would be situated approximately 11 metres (at its closest point) from the shared boundary with 'Green Man Cottage' and over 26 metres from the neighbouring dwelling itself. It would be situated approximately 21 metres from the shared boundary with 'Woodstock House' and approximately 34 metres from the neighbouring dwelling itself. It would be situated over 60 metres from the neighbouring dwelling of 'Tapwoods' which is situated adjacent to the entrance at Green Man Lane and approximately 30 metres from the Green Man Public House itself. The nearest neighbouring dwelling to the south east 'Langfords' would be situated approximately 50 metres from the boundary of the site.
- 5.5.5 It is considered that given the separation distances between the proposed dwelling and neighbouring properties, this is sufficient to prevent overlooking, overshadowing or any overbearing impacts from the proposed development.
- 5.5.6 There is an established tree/shrub boundary along the boundaries of the site with these neighbouring properties which is proposed to be retained and would provide screening of the proposal to some extent.
- 5.5.7 The proposal is therefore in accordance with the NPPF and Policy D1 of the approved LDP.

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

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.6.2 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'.

### **Access**

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

### **Parking Provision**

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

## **5.7 Trees**

- 5.7.1 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.7.2 The NPPF states in paragraph 136, 'Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible'.
- 5.7.3 An 'Arboricultural Impact Assessment' (prepared by Arborterra Ltd, Sept. 2023) has been submitted as supporting documentation. The report concludes in paragraph 5.1.5 that, *'a total of 6 trees and 1 group of shrubs are to be removed as part of the development including 2 category C trees, 4 category U trees'*. It further states that, *'The two Category C trees are of small stature and are considered to be of low value. Removal of the four category U trees is warranted due to their condition. The proposed tree removals will result in a loss of tree cover along the access track. This could be compensated for by suitable tree and shrub planting. The trees to be retained enhance the site by providing privacy, a sense of enclosure, mature landscape elements and environmental services. There are no significant shading issues. Pruning is recommended to the crown of ash T2 in order to provide working space for construction. The proposed pruning is not excessive and will not cause significant harm to the health or appearance of the tree'*.
- 5.7.4 The Council's Arboricultural Consultant has been consulted and raises no objection to the proposal subject to compliance with the methodologies and practices specified within the submitted arboricultural reports and plans. This can be secured via a condition.
- 5.7.5 Subject to the above-mentioned recommended condition the proposal accords with the NPPF and Policy D1 and S1 of the approved LDP.

## **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 from rivers and the sea. However, it is at medium risk of surface water flooding. There is a ditch which runs through part of the site.
- 5.8.3 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.
- 5.8.4 The Lead Local Flood Authority has also commented on the application stating that, 'as the site lies within an area where there is a high risk of flooding, we would recommend the use of water butts, permeable paving and storage with an outflow matching the 1 in 1 greenfield rate for the 100-year event or 1l/s, whichever is

higher. Furthermore, from the documents provided, it appears there will be alterations made to an existing ditch; therefore, the applicant will need to apply for watercourse consent’.

- 5.8.5 Subject to the above-mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

## **5.9 Natural Environment 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 A Preliminary Ecological Appraisal (PEA) (prepared by Plumb Associates, April 2025) has been submitted as supporting documentation. The report concludes that, *‘the site is assessed as having low ecological value with no habitat features suitable for supporting protected species. No additional surveys are necessary’*.
- 5.9.5 The applicant has also provided a Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate, co-signed by Natural England (NE).
- 5.9.6 The Council’s Ecology Consultant has advised that they are satisfied that there is sufficient ecological information available to support determination of this application. Conditions are recommended to:
- ensure the development is carried out in accordance with the submitted PEA; secure a Reptile Mitigation Strategy is submitted;
  - biodiversity enhancements are provided through a Biodiversity Enhancement Strategy; and
  - a wildlife sensitive lighting design scheme is secured.
- 5.9.7 An informative to secure mandatory biodiversity net gain is recommended.
- 5.9.8 The condition requiring the reptile survey is a pre-commencement condition and agreement from the agent has been sought.



- 5.9.9 The proposal fails to accord with the NPPF and Policy S1, N1 and N2 of the approved LDP.

Impact on Designated Sites

- 5.9.10 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast RAMS. The LPA must therefore undertake a Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.9.11 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. To accord with NE's requirements and strategy advice, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 – the significance test

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

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

Test 2 – The integrity test

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

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

- 5.9.12 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.13 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £163.86 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure.
- 5.9.14 The applicant has provided the relevant checking and monitoring fees, and a completed and signed unilateral undertaking to ensure that mitigation is secured.

**5.10 Other matters**

- 5.10.1 Concerns have been raised regarding the Anglian Water pumping station. The proposed development would not impeded access to this compound. Therefore, Officers raise no objection in terms of impact on the Anglian Water site.

## 5.11 Planning Balance

5.11.1 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, on balance, considered to be located in a sustainable location due to the presence of the Sustrans cycle route and proximity of the site to services and facilities in Wickham Bishops. Accordingly, alternative means of transport, in particular cycling, are available. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.

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, Officers are satisfied the principle of development is acceptable. 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 proposal 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. ANY RELEVANT SITE HISTORY

- **24/00253/FUL** – Construction of a detached five bedroomed house. Refused.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Braxted Parish Council	<p>We recommend the refusal of planning permission.</p> <p>The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development to detriment of the character and appearance of the area. The development and intensification of built form resulting from urbanisation of the site would fail to meet the requirements contained in the NPPF for the countryside to be protected for its landscape, natural resources and ecological value, intrinsic character and beauty.</p> <p>Concern regarding intensification of unmade</p>	<p>Noted and discussed in paragraphs 5.1, 5.2, 5.4 and 5.10.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>single track road without passing places which also leads to an Anglia Water pumping station.</p> <p>Concern regarding scale and appearance which fails to recognise the setting and relationship to historic features.</p> <p>Poor accessibility.</p>	

## 7.2 Internal and External Consultees (summarised)

Name of Consultee	Comment	Officer Response
Ecology Consultant	<p>No objection subject to conditions regarding:</p> <ul style="list-style-type: none"> <li>development is carried out in accordance with the submitted PEA;</li> <li>a Reptile Mitigation Strategy is submitted; Biodiversity Enhancement Strategy; and</li> <li>a wildlife sensitive lighting design scheme is secured.</li> </ul> <p>An informative to secure mandatory biodiversity net gain is recommended.</p>	Noted and discussed in paragraph 5.9
Arboricultural Consultant	No objection subject to conditions relating to a condition requiring development is undertaken in accordance with submitted arboricultural report and plans.	Noted and discussed in paragraph 5.7.
Environmental Health	<p>No objection subject to conditions relating to:</p> <ul style="list-style-type: none"> <li>noise assessment;</li> <li>foul drainage and surface water drainage;</li> <li>contamination.</li> </ul>	Noted and discussed in paragraph 5.3 and 5.8
Heritage and Conservation Specialist	No objection.	Noted and discussed in paragraph 5.4
Highway Authority – Essex County Council (ECC)	No objection subject to condition relating to provision of cycle parking.	Noted and discussed in paragraph 5.6
Lead Local Flood Authority - ECC	Comment that as site lies in high risk of flooding, recommend use of water butts, permeable paving, storage with an outflow matching the 1 in 1 greenfield rate for 100 year event or 1l/s whichever is higher. Alterations to an existing ditch would require consent.	Noted and discussed in paragraph 5.8
Anglian Water	No development within 15m of the pumping station. Object due to now details of how surface water is to be discharged.	Noted and discussed in paragraph 5.8 and 5.10

### 7.3 Site Notice / Advertisement

- 7.3.1 The application was advertised by way of a site notice posted on 14 May 2025 (with expiry date for comments set at 4 June 2025). The site notice was affixed at eye level to a telegraph pole in a prominent position at the entrance to the Green Man Lane adjacent to the Green Man Public House.
- 7.3.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 8 May 2025 (with expiry date for comments set at 9 May 2025).

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

- 7.4.1 One letter has been received **objecting** to the application and the reasons for objection are summarised in the table below:

Objection Comment	Officer Response
The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development to detriment of character and appearance of the area.	Noted and discussed in paragraph 5.2
Intensification of built form would fail to meet requirements of NPPF to protect countryside for its landscape, natural resource, ecological value and intrinsic character and beauty.	Noted and discussed in sections 5.1 and 5.2.
Vehicular access in unmade single track without passing places and is used by Anglian Water (photographs provided) who require unrestricted access. Concern regarding intensification of its use.	Noted and discussed in paragraph 5.10
Occupants of the dwelling would be reliant on private transport to access services and facilities. There is no pavement.	Noted and discussed in paragraph 5.1
Outside of development boundary, new development is directed to urban areas in the Local Plan.	Noted and discussed in section 5.1.

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

### **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

A financial contribution of £169.45 for mitigating the impact upon the Zone of Influence (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. A Unilateral Undertaking has been submitted and is acceptable, therefore suitable mitigation has been secured.

## 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 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.

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.

- 7 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.

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.

- 8 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.

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.

- 9 The dwelling hereby permitted shall not be occupied until a noise impact assessment has been undertaken by a person competent in acoustics to ensure that the internal and external areas of dwelling is protected from external noise.

The noise impact assessment must be undertaken to establish the worst-case scenario of noise from amplified music, singing and speech, the playing of instruments and noise from customers. This includes from inside the premises and any external areas. This includes the use of at least one-third octave band analysis and attention to any flanking transmission as well as airborne noise.

The assessment must also have regard to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures.
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017- Design methodology for the assessment of overheating risk in homes and comply with Approved Document O "Overheating" of the Building Regulations. The alternative means of ventilation shall be maintained thereafter.

Prior to occupation a post completion noise survey must be undertaken by a suitably qualified person, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

Any agreed mitigation must be installed and maintained thereafter.

REASON: In the interests of ensuring the presence of a new dwelling does not impact the existing operation of the Green Man Public House, as an agent of change, in accordance with the National Planning Policy Statement.

- 10 The development hereby permitted shall be carried out in strict accordance with the methodologies and practices specified in the Arboricultural Impact Assessment (Arborterra Ltd, 14 September 2023) including the tree protection plan (ref. 949-301). The means of protection shall remain in place throughout the construction period.

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.

- 11 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates Ltd, April 2025) as submitted with the planning 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 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.

- 12 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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.

- 13 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.

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.

- 14 Prior to first occupation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

REASON: To 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.

- 15 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy D1 of the Maldon District Approved Local Development Plan July 2017.

## INFORMATIVE

### 1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan.

**APPLICATION PLANS**

1387/02B Site Location Plan

1387/01D Site Layout Plan

1387/03B Proposed Front Elevation

1387/04A Proposed Plans and Elevations

1387/06 Proposed Roof Plan

MPP\_01\_010 Ditch Diversion Plan

MPP\_01\_011 Proposed Ditch Capacity

MPP\_01\_012 Existing Ditch Capacity