



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
5 NOVEMBER 2025**

Application Number	25/00616/OUT
Location	Land Adjacent Crispins Roots Lane Wickham Bishops
Proposal	Outline application with all matters reserved except for access for 5no 3 bedroom bungalows with detached garage and access road including turning head off existing drive.
Applicant	Jenny Moody Properties Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	11 November 2025 (Time Extension Agreed)
Case Officer	Chris Purvis
Parish	Wickham Bishops
Reason for Referral to the Committee / Council	<p>Called in by Cllr Simon Morgan to consider that</p> <ul style="list-style-type: none">• The site is outside the settlement boundary, contrary to Local Development Plan (LDP) Policy S8.• Over-development of the site, contrary to LDP Policy D1.• The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.• The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.

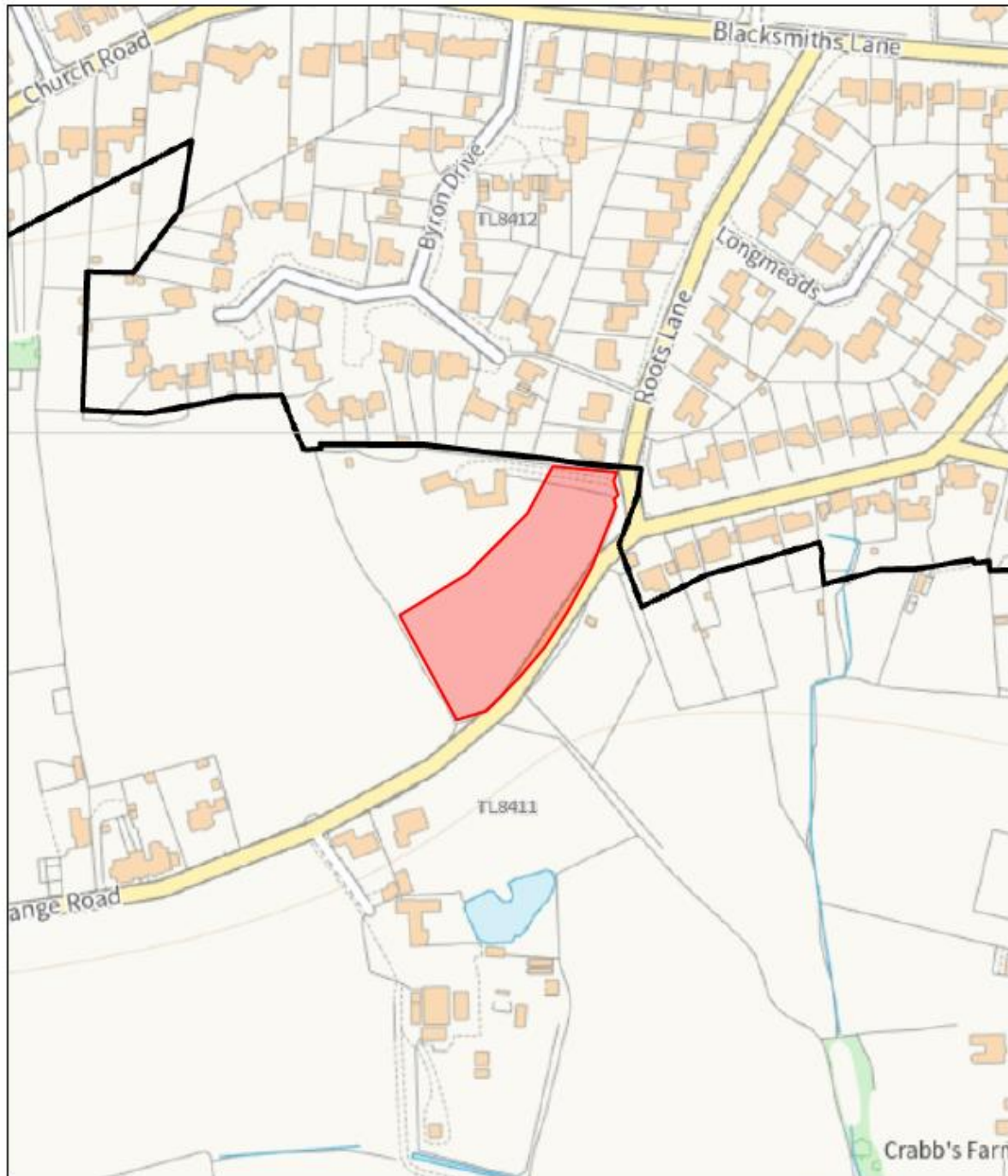
1. RECOMMENDATION

APPROVE subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.

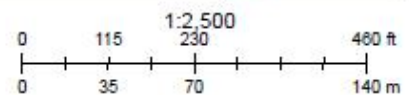
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OS Grid Tiles 1km

Settlement Boundaries and Countryside (S8)



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located at the junction of Roots Lane and Grange Road and is outside of the settlement boundary of Wickham Bishops. To the north and east of the site, within the settlement boundary, are residential properties comprising a mix of predominantly detached bungalows and two storey dwellings.
- 3.1.2 The site itself measures 0.49 hectares and comprises part of the existing residential garden of 'Crispins', which is a detached two storey dwelling shown in land edged blue on the application plans. The site is laid to grass with numerous mature trees within the site and along the site's frontage, which extends to the south along Grange Road which is a single lane road. There is an existing access serving the site via Roots Lane, to the north of the junction with Grange Road. A further access is located in the southern corner of the site, from Grange Road.
- 3.1.3 The site is located within Flood Zone 1 with a low risk of flooding.

Description of the Proposal

- 3.1.4 Outline planning permission is sought for the erection of five (5) 3 bedroom bungalows each with detached garages with an access road including turning head off the existing drive. The proposed access is for determination under this application, with the matters of appearance, layout, landscaping and scale being the reserved matters for future applications should Outline planning permission be approved.
- 3.1.5 The proposed access would involve creating a spur off the existing access serving Crispins, and allow access to the proposed five bungalows.
- 3.1.6 Layout (indicative) – The plan shows an indicative layout of siting of the five bungalows with four bungalows having their rear gardens backing onto Grange Road. The other bungalow for plot 5 would be set back along the side boundary with the gardens of Crispins. This arrangement would allow for the internal access road to pass in front of the principal elevations of the bungalow and allow access to each plots driveway and proposed detached garage. Each bungalow would have a rear garden and with also a side garden area for plots 1 and 4.
- 3.1.7 Scale (indicative) – All bungalows would have pitched roofs, and the plans show the bungalows would be up to 5.9m high at their ridge.
- 3.1.8 Appearance (indicative) – There are no details to show the appearance of the proposed bungalows.
- 3.1.9 Landscaping (indicative) – The layout plan and Tree Protection Plan shows the intention is to retain as much of the existing hedge and tree line fronting onto Grange Road and Roots Lane. Each plot would have front and rear garden areas mainly laid to lawn with planting beyond paving and access road areas. It is proposed to provide 1.8m high fencing between the flank (side) boundaries of the plots comprising of timber close boarded fencing on gravel boards.

3.2 Conclusion

- 3.2.1 The planning balance section of the report identifies the benefits and harms of this proposed development. Overall, weighing up the benefits and the harms it is considered that the benefits of the proposal outweigh the harms in this instance and therefore the recommendation is to Outline grant planning permission subject to the conditions and Section 106 terms as set out in Section 8 of this report.

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
- 180-194 Conserving and enhancing the natural 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 and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Wickham Bishops Neighbourhood Plan (2022):

- WBen 01 Recreational Disturbance Avoidance and Mitigation
- WBen 02 Biodiversity and Natural Habitats
- WBen 06 New Development and Flood Risk
- WBF 02 Sustainable Means of Travel
- WBF 03 Highway Safety

- WBH 01 Design and Character

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Local Development Plan (LDP) Proposals Map shows that the site is located outside of, but borders the settlement boundary of Wickham Bishops. Therefore, policy S8 (Settlement Boundaries and the Countryside) applies and defines Wickham Bishops as a 'larger village' in the settlement hierarchy table. Larger villages are defined in the policy as *"defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport"*. The policy identifies that 'the countryside will be protected for its landscape natural resources and ecological value as well as its intrinsic character and beauty'. Furthermore, the policy states that 'Outside of the defined settlement boundaries 'planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon'. This means the development would be unacceptable in principle as policy S8 protects the countryside for its landscape value.

Housing Supply Position

- 5.1.2 Policy S2 (Strategic Growth) plans for a minimum of 4,650 dwellings between the Plan's period of 2014 to 2029 with strategic growth to be delivered through urban extensions to Maldon, Heybridge and Burnham on Crouch. Outside of these locations the policy allows for housing through Neighbourhood Plans and a windfall allowance. A proportion of new development will be directed to the rural villages to support rural housing needs based on the settlement hierarchy approach, although there are no allocated sites in the current LDP for village extensions.
- 5.1.3 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, this policy and policy S2 cannot be considered as up to date due to the Council being unable to demonstrate a 5 year supply of housing land, and because the methodology of assessing the housing needs of the District, as set out in the previous version of the NPPF, has changed in the latest version of the NPPF (December 2024). This means that the Maldon District would need to accommodate more housing than the requirements as set out in policy S2, which were 276 housing units per annum. The latest housing requirement figure has risen to 575 housing units per annum. Based on this position, development proposals will need to be considered on the basis of whether they are sustainable or not, with regard to the NPPF and policy S1.

5.1.4 This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is relevant. Given the Council's current position in regard to the 5 year housing land supply (5YHLS) the NPPF's tilted balance of the presumption in favour of sustainable development as set out in paragraph 11d(ii) 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'*.

5.1.5 From the Council's perspective, at an Extraordinary meeting of Full Council on 17 June 2025 Members considered the Maldon District Council LDP Review Growth Options and it was agreed:

That strategic growth in the Local Development Plan Review should go into the Towns and large villages – these being Maldon, Heybridge, Burnham-on-Crouch, Southminster, Great Totham South, Tollesbury, Latchingdon, Tillingham, Tolleshunt D'Arcy, Wickham Bishops and Mayland.

5.1.6 As stated above Wickham Bishops is considered as a location for strategic growth and this site borders the settlement boundary of the village.

5.1.7 Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-ambles to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings but to create a better-balanced stock to meet the needs of ageing population and the needs of young people there is a need for a higher proportion of smaller (1 or 2 bedroom) units in the District. The more up to date housing mix requirements is set out in the Maldon District Local Housing Needs Assessment, which was published in May 2021. This, like the pre-ambles to policy H2, identifies the need for one, two and three bedroom units. In more detail, the need is for two and three bedroom market units, and a need for one, two and three bedroom affordable units (affordable ownership and affordable rented).

5.1.8 Policy H3 (Accommodation for 'Specialist' Needs) supports the provision of housing to meet specialised needs in the District such as homes for older people, people with disabilities, or homes for other specific groups.

5.1.9 The proposed bungalows would therefore provide three bedroom single storey dwellings for older people in regard to meeting policies H2 and H3, and WBNP policy WBH 02 Lifetime Homes requires new homes to address local need for older person's housing

Recent Appeal Decisions in Wickham Bishops

5.1.10 There have been two recent appeal decisions in Wickham Bishops for housing developments outside and adjacent to the settlement boundary. These are material considerations as they reflect the current approach taken by the Planning Inspector to the Council's 5YHLS position in affording significant or substantial weight in the overall planning balance. **APPENDIX A** includes maps showing the location of the two appeal sites.

5.1.11 On land rear of 9 Church Road an appeal was allowed and planning permission granted for the development of up to 50 dwellings (reference 23/00123/OUTM, appeal reference APP/X1545/W/23/3333081). Apart from a small section of the site at the front, the majority of the site lies outside of the settlement boundary for

Wickham Bishops. In allowing the appeal the Inspector gave significant weight to the Council's 5YHLS position and also because the development offered 50% affordable housing provision. At para. 75 of the appeal decision the Inspector states that *"the adverse impacts associated with the conflict with the development plan due to the site's location outside the DSB, the visual effect on the immediate site, while having due regard to the disadvantage that may be caused to some people with protected characteristics in terms of their choice to live in this particular development of new housing, do not significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole"*. On that basis . concluded that *"the presumption in favour of sustainable development applies and this indicates that permission should be granted"*.

- 5.1.12 On land rear of Pippins in Kelvedon Road an appeal was allowed and planning permission granted for the development of 25 dwellings (reference 24/00005/OUTM, appeal reference APP/X1545/W/24/3351210). In allowing the appeal the Inspector gave substantial weight to the Council's 5YHLS position and the provision of affordable housing and only moderate harm to the character and appearance of the area. This was considered to outweigh harms of the visual effect upon the immediate area. The Inspector in deciding the appeal, stated at para. 30 *"I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the substantial benefits, when assessed against the policies of the Framework taken as a whole. On this basis, the scheme would benefit from the presumption in favour of sustainable development and permission should be granted"*.

Call for Sites

- 5.1.13 The submitted Design and Access Statement refers to the site being registered in the "Call for Sites". The site has been considered through the Council's 'call for sites' process as part of the LDP Review 2021+ in the Housing Economic Land Availability Assessment ('HELAA') under the reference WBS8-Wickham Bishops. The outcome of this process found that the site was identified as potentially suitable for residential development.
- 5.1.14 Whilst the call for sites process is acknowledged, its assessment with regard to the site is only given limited weight due to it being a high-level theoretical exercise lacking the rigorous assessment involved in considering a planning application.

Sustainability Considerations

- 5.1.15 Turning to the sustainability considerations, policy S1 reflects earlier versions of the NPPF at the time of the LDP adoption but still follows the approach of the current NPPF's in considering the economic, social and environmental role of achieving sustainable development.
- 5.1.16 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. However, because the Council cannot demonstrate a 5 year housing supply of deliverable housing at present and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF. The Local Planning Authority are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These three dimensions are assessed below.

- 5.1.17 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.18 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. 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'. WBNP policy WBF02 policy Sustainable Means for Travel is relevant.
- 5.1.19 In terms of accessibility, this village includes a range of facilities and services including a church, a village hall, recreation ground, library, general store with post office, hairdressers, health food shop, beauty saloon, tea room, vehicle repair garage, car show room, a public house and a doctors surgery.
- 5.1.20 In addition to the consideration of facilities and services, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. Upon leaving the site you enter into the village of Wickham Bishops where there are footways along some of the sides of roads that allow for walking access into the village centre and for accessing all the facilities and services stated above. For cycling the roads within the village are within 30mph speed restriction zones but if you leave the village and head south along Grange Road the country lane enters an unrestricted speed limit area. For bus services the village is mainly served by the no.90 bus which links Witham to Maldon and this can be accessed from bus stops along the Witham Road which is a 10 minute walk from the site.
- 5.1.21 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.22 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District and provide for opportunities for social integration for new residents and the wider community.
- 5.1.23 It is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses. This would however be very limited given the scale of the proposal. Equally, there is no guarantee that construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal at best.

Previous application

- 5.1.24 A previous application on the site (reference 24/00604/OUT) was refused in October 2024 and included, in reason for refusal one, that "*The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside*" and concluded the proposal would conflict with the Council's spatial strategy. This decision was taken at a time when the Council had a 5YHLS and the tilted balance was not engaged.

Summary of Principle of Development

- 5.1.25 Based upon the Council's 5 years housing land supply 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 to whether the development is sustainable development to meet the definition of the NPPF and

LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location on the borders of a village which provides for a range of facilities, services and various transport modes for accessibility. This position, along with the Council's intentions for growth options and the recent appeal decisions in Wickham Bishops, further assist in supporting the principle of development at this site. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon Design Guide (MDDG) (2017).
- 5.2.4 The Wickham Bishops Neighbourhood Plan (WBNP) (2022) policy WBH 01 Design and Character supports development where it adheres to design principles laid out by the Wickham Bishops Village Design Statement and the MDDG. This policy requires development proposals to respect local character, setting, local distinctiveness amongst other things.
- 5.2.5 The previous application included the following reason of refusal
 - 1. The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside. The proposed development would result in the urbanisation of the site through the introduction of built form, hardstanding and associated domestic paraphernalia which would erode the character and appearance of the site and surroundings. Furthermore, insufficient information has been provided to assess the impacts on trees within and adjacent to the site, therefore the wider impact on character of the area also cannot be assessed. Accordingly, the proposal would conflict with the development plan's spatial framework contrary to Policies S1, S2 and S8 of the Approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.2.6 The first sentence in the reason of refusal has been addressed in section 5.1 of this report which assessed the principle of the development. The second sentence of the reason concerns the impact upon the character and appearance of this location but is

linked with the previous principle of development being unacceptable. As set out above, the Council's position has changed with regard to not having a 5YHLS and as stated in section 5.1 above the tilted balance is applied in favour of sustainable development. Therefore, the consideration of the urbanisation of the site and the character and appearance of the site and surroundings would need to be balanced against the housing needs of the District in the overall planning balance of this application.

- 5.2.7 The proposal is for five bungalows as opposed to the six previously proposed.
- 5.2.8 The site currently positively contributes to the character and appearance of the locality. It comprises a well-maintained residential garden with mature trees within the garden and along the frontage adjacent to Grange Road. The trees form a distinctive and attractive feature in this location. The character of the area changes markedly at the northern edge of the application site. To the north and east is built up, with residential properties fronting Roots Lane and Grange Road as it extends to the east. These dwellings are within the settlement boundary of the village. The application site and land to the west, south and southeast comprises a mix of agricultural land and sporadic residential dwellings. Although the trees line the road frontage, there are clear gaps within the trees and vegetation whereby the proposed bungalows would be clearly visible from the road.
- 5.2.9 The proposed block plan shows the proposed layout of the development seeks to retain the character and appearance of the streetscene along Grange Road by retaining all of the existing vegetation comprising of hedges and trees that form a distinctive part of the character of this location, along with retaining existing trees where possible on the wider Crispins plot, as explained in the Arboricultural Impact Assessment. No rear boundary treatments are proposed but reference is made to 1.8m boundaries between each plot and such details shall need to be agreed through the reserved matters and or planning condition. The layout plot shows footprints of the bungalows and detached garage buildings to each, again the actual details shall need to be agreed through the reserved matters.
- 5.2.10 Similarly to the previous refused application it is considered that the addition of five bungalows on the site would significantly alter the verdant character of the area through the introduction of built form, associated hard standing, fences and other domestic paraphernalia. This needs to be considered in the overall planning balance of the application.
- 5.2.11 With regard to trees, the NPPF states in paragraph 136 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change'. It further states that planning decisions should take opportunities to incorporate trees in developments and those existing trees are retained wherever possible.
- 5.2.12 The third reason of refusal from the previous application was as follows:
3. Insufficient information has been submitted to assess the impact of the proposed development on the existing trees within and adjacent to the site. The proposal is therefore contrary to Policies D1 and N2 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework.
- 5.2.13 Information has been provided with this application including tree surveys, tree constraint plans and an Arboricultural Impact Assessment. The assessment of tree

quality is set out in British Standard 5837/2012 and categorises trees as A, B, C and U. For category A trees these are high quality trees with a life expectancy of at least 40 years, for category B trees these are trees of moderate quality with life expectancy of at least 20 years, for category C trees these are unremarkable trees of very limited merit or quality with life expectancy of at least 10 years and for category U trees these are trees that are not suitable for retention.

- 5.2.14 The Arboricultural Impact Assessment explains that 15 trees and 6 groups of trees would be retained, 3 trees and a group of 3 category B trees would be removed, and 6 trees and 6 groups (35 trees) and 1 hedgerow would be removed to make way for the development. The Tree Protection Plan shows that trees within the site and along the roadside boundary with Grange Road would be retained along with the retention of as much of the existing trees and vegetation around the boundary and outside of the site. This has been subject to consultation with Place Services Tree Advisors who have no objection subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site. The landscaping requirement of the reserved matters can ensure a suitable landscaping scheme and replacement trees to help enhance the appearance of the site following completion of the development.
- 5.2.15 Overall, there would be some harm through the introduction of development and the urbanisation of this site having regard to policies D1 and H4 of the approved Maldon District Local Development Plan (2017), Policy WBen 02 of the Wickham Bishops Neighbourhood Plan and the policies and guidance contained in the National Planning Policy Framework. However, this harm will need to be assessed in the planning balance of this assessment.

5.3 Living Conditions and Amenity Space

- 5.3.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private amenity spaces. In addition, the adopted MDDG (2017) at C07 advises a minimum garden size for each type of dwellinghouse, namely, 25m² for flats, 50m² of private amenity space for dwellings with 1-2 bedrooms, and 100m² for dwellings with three+ bedrooms.
- 5.3.2 There is concern regarding the impact of the trees surrounding the site on the living conditions of occupants. Many of the trees along the site frontage are mature and are of significant height with large crown spread. It is likely, given the shape of the site and the amount of development proposed that trees would be very close to the proposed bungalows and gardens. The trees could result in an overbearing sense of enclosure to some extent. This could result in future pressure to remove further trees or significantly reduce the height and extent of the trees. However, this would not result in any significant loss of amenity space to the occupier of each plot.
- 5.3.3 The proposed bungalows would all have three bedrooms, therefore amenity space of 100m² would be required for each dwelling. Having regard to the indicative block plan provided, it is apparent that the development can comply with this requirement, but the existing trees and indicative layout of the gardens could affect how the amenity space could be used.

5.4 Access, Parking and Highway Safety

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

Council's adopted parking standards (Maldon District Vehicle Parking Standards SPD).

- 5.4.2 Policy WBF 02 Wickham Bishops Neighborhood Plan requires development proposals should give priority to cycle and pedestrian movements and access to public transport. Policy WBF 03 of the Wickham Bishops Neighborhood Plan requires Development proposals should take account of the capacity of the local highways network. Development proposals which would have an unacceptable impact on the efficiency of the local highways network in general, and on its safety in particular will not be supported.
- 5.4.3 The NPPF seeks to ensure that, 'safe and suitable access to the site can be achieved for all users'. It further states that, 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.
- 5.4.4 Access is a matter for which approval is sought as part of this outline application. Access is proposed via a private drive which currently serves the existing dwelling, Crispins. The proposal includes the realignment and widening of the existing access to provide a shared access serving Crispins and the proposed five bungalows.
- 5.4.5 Essex County Council, as the Local Highway Authority, has advised that the necessary visibility splays can be achieved and raises no objection to the proposal subject to conditions requiring a Construction Management Plan, vehicular access details, cycle parking provision and the distribution of a Residential Travel Information Pack.
- 5.4.6 It would appear from the information within the application that the site is of a sufficient size to ensure the proposed development would meet the car parking requirements set out in the Maldon District Vehicle Parking Standards SPD.
- 5.4.7 Overall, no objection is raised in regard to highway safety.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 Flood Risk and Coastal Management of the LDP states that, '*to minimize the risk of flooding, all development must not increase flood risk on site and elsewhere, be located in areas where use is compatible*'. Policy WBen 06 of the Wickham Bishops Neighborhood Plan requires to take into account drainage, water disposal and to minimize flood risk.
- 5.5.2 The site is situated within Flood Zone 1 (low risk of flooding). The proposed development would not be a 'more vulnerable' development, as defined in Annex 3: Flood Vulnerability Classification of the Planning Practice Guidance.
- 5.5.3 In terms of drainage Environmental Health have not identified the need for a condition for surface water drainage. For foul drainage the application forms state the development would be connected to the mains sewer systems in the area.

5.6 Ecology and Biodiversity

- 5.6.1 Paragraph 187 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'.

- 5.6.2 LDP policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment. In addition, Policy S1 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. Policy N1 and N2 are also relevant, which address biodiversity and protection of priority habitats and/or protected or priority species.
- 5.6.3 Policy WBEN 01 of the Wickham Bishops Neighborhood Plan requires all residential development within the zones of influence of European Sites should make an appropriate financial contribution towards mitigation measures, as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document. Policy WBEN 02 of the Wickham Bishops Neighborhood Plan requires all development to protect retain and enhance biodiversity and natural habitats.

On Site Ecology and Biodiversity

- 5.6.4 The previous application included the following reason of refusal:
2. The application includes insufficient ecological information to assess the impact of the proposed development on protected and Priority species. Insufficient information has been submitted in relation to mandatory biodiversity net gain. The proposal is contrary to Policies S1, D1, N1 and N2 of the approved Maldon District Local Development Plan, Policy WBEN 02 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.6.5 The application includes a Preliminary Ecological Appraisal which recognised that the site has the potential support species of importance or legally protected species and from the on site survey work from April 2025 a number of habitats and habit suitably for various species was found. Given the potential impact the Preliminary Ecological Appraisal recommends various mitigation and enhancements including bat, bird and terrestrial invertebrate boxes. Place Services Ecology have no objections to subject to conditions requiring implementation of the identified mitigation within the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design.

Biodiversity Net Gain

- 5.6.6 As of 2 April 2024, all minor development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant's Biodiversity Net Gain report identifies that to achieve the mandatory 10% measurable biodiversity net gain 3.82 area habitat units, 0.05 hedgerow units and 0.45 watercourse units will be required post development. Therefore, as much as the existing habitat such as existing hedgerow and mature trees should be retained. Place Services Ecology recommend an informative for a Biodiversity Net Gain condition following the draft text provided by the Secretary of State.

Essex Coast RAMS

- 5.6.7 In terms of RAMS, the site falls within the evidenced recreational Zone of Influence (Zol) of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy

(RAMS), which is an adopted SPD. The LPA is therefore required to prepare a project level HRA Appropriate Assessment and secure a proportionate financial contribution towards the Essex Coast RAMS. The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast 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 ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 5no. dwellings

HRA Stage 2: Appropriate Assessment

Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 5no. dwellings

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

Summary of Appropriate Assessment

- 5.6.8 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 Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.6.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 (2025-2026 figure) and thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £847.25 is required based on the current tariff applied for RAMS mitigation. The applicant has confirmed their agreement and paid the financial contribution.

Conclusion to this section

- 5.6.10 Subject to the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to policy N2 along with the guidance and paragraphs of the NPPF/PPG.

5.7 Impact on Neighbouring Amenity

- 5.7.1 The basis of policy D1(4) of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.7.2 It is considered there is sufficient distance between the site and the existing dwelling 'Crispins' and neighbouring dwellings to the north to ensure sufficient back-to-back distances can be complied with. This, together with the proposed dwellings being bungalows, would ensure neighbouring amenity is not harmed. Further details of the exact layout, scale and appearance of the bungalows would be provided at the reserved matters stage.

5.8 Other Matters

- 5.8.1 The fourth reason of refusal from the previous application was as follows:
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Approved Maldon District Local Development Plan (2017), WBen 01 of the Wickham Bishops Neighbourhood Plan and guidance in the National Planning Policy Framework.
- 5.8.2 The applicant has agreed to meet the requirements of the Essex Coastal RAMS and payment has been received.
- 5.8.3 No objection was raised by Place Services with regard to archaeology and no conditions are recommended.

5.9 Planning Balance and Sustainability

- 5.9.1 In assessing the overall planning balance there are benefits and harms from the proposed development that need to be weighed up in the decision making process.
- 5.9.2 The benefits of the proposal are:
- In absence of an update to date 5YHLS the tilted balance of the presumption favour sustainable development applies – given substantial weight
 - Wickham Bishops is one of the larger villages considered for strategic growth – given substantial weight
 - Sustainable location – given substantial weight
 - Ecology Enhancements – given moderate weight
- 5.9.3 The harms arising from the proposal are:
- Development outside of the settlement boundary of Wickham Bishops i.e. conflict with the spatial strategy – given limited weight.
 - The urbanisation of the site which would erode the character and appearance of the site and surroundings – given moderate weight
 - Some of loss of trees and hedges – given moderate weight

- 5.9.4 There are also a number considerations that are neither beneficial or harmful and are therefore given a neutral weighting, these being private amenity space provision, access, parking provision, drainage and financial contribution towards Essex Coast RAMS. All of these are either policy or guidance requirements.
- 5.9.5 Overall, based on the above assessment and weightings the benefits of the proposed development would outweigh the harms as identified for the application to be recommended for approval.

6. **ANY RELEVANT SITE HISTORY**

6.1 Relevant planning history.

- **24/00604/OUT** - Outline planning application with access for proposed 6no 3 bedroom bungalows with access road including turning head off existing drive Refused for four reasons of refusal as identified in the Assessment section above.
- **00/00119/OUT** - Proposed erection of a dwelling house. Refused and dismissed at appeal
- **97/00357/OUT** - Erection of one dwelling and garage. Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>Recommend refusal on the following grounds:</p> <p>The site is outside the settlement boundary, contrary to LDP Policy S8.</p> <p>Over-development of the site, contrary to LDP Policy D1.</p> <p>The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.</p> <p>The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.</p> <p>WBPC are gravely concerned that this could lead to further development to the west, despite the indication of a ransom strip.</p>	<p>Please see the Assessment sections 5.1, 5.2 and 5.6 of the report</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objections subject to conditions regarding a Construction Management Plan, driveway access construction requirements, cycle parking provision and provision of a Residential Travel Information Pack	Please see the Assessment section 5.4 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments to make	No response required
Place Services Archaeology	No objections	No response required
Place Services Ecology	No objection subject to conditions requiring mitigation measures undertaken in accordance with the Preliminary Ecological Appraisal, a non-licensed Great Crested Newt Method Statement, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design. An informative for a Biodiversity Net Gain condition	Please see section 5.6 of the report.
Place Services Tree Advisor	Support subject to conditions requiring soft and hard landscaping details to be provided along with foundation details due to the proximity of trees at the site	Please see the Assessment section 5.2 of the report

7.4 Site Notice/Advertisement

- 7.4.1 The application was advertised by way of two site notices posted at eye level on telegraph poles and posts around and adjacent to the site on 21 July 2025. Notice was also given by way of a newspaper advertisement posted in the Maldon and Burnham Standard on 24 July 2025.

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **9 letters/emails/forms** were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
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Objection Comment	Officer Response
Impact upon the character, safety and environmental integrity of local setting	Please see the Assessment section 5.2 and 5.9 of the report
Additional traffic congestion due to narrowness of Grange Road and lead to safety risks for pedestrians, cyclist and horse riders	Essex County Council Highways have no objections to the application
The proposed development threatens to significantly alter the visual and environmental character of this unique area	Please see the Assessment section 5.2 and 5.9 of the report
Any construction on this scale risks irrevocably damaging the natural landscape and eroding the rural essence that makes Grange Road so special	Please see the Assessment section 5.2 and 5.9 of the report
This development would set a concerning precedent for further urbanisation in a part of the parish	Please see the Assessment section 5.2 and 5.9 of the report
The impact on views, heritage, and the tranquillity of the area cannot be overstated	There is no right to a view, no heritage assets nearby and residential use would not adversely affect the tranquillity of the area

8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The development hereby permitted shall be carried out in accordance with the following approved plans as stated on the decision notice.
REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.
5. The development shall be single storey only comprising of one floor of accommodation.

REASON: In the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

6. No development shall commence until details of finished site levels and finished external surface levels, and the finished floor level of the building[s] hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

7. The reserved matters for the approval of layout shall include details of the proposed materials to be used in the development

No development shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development 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 adopted Maldon District Local Development Plan.

8. The reserved matters for the approval of layout shall include details of the proposed boundary treatment to the development.

No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

9. The reserved matters for landscaping shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial 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, 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 adopted Maldon District Local Development Plan.

10. The trees and hedges identified for retention on the approved plan drawing number(s) 250241/TPP shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

11. No development shall commence until details of the foundations to be used for the development hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the adopted Maldon District Local Development Plan.

12. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- a) the parking of vehicles of site operatives and visitors,
- b) loading and unloading of plant and materials,
- c) storage of plant and materials used in constructing the development,
- d) wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy T2 of the adopted Maldon District Local Development Plan.

13. Prior to first occupation of the development, the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be constructed at a minimum width of 5.5 metres for the first 6 metres from the back edge of the carriageway and shall be provided with an appropriate vehicular crossing of the highway verge.

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

14. 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

15. The details submitted pursuant to condition 1 for layout shall include land reserved for the parking and / or garaging of private cars, motorcycles and bicycles.

Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policy T2 of the adopted Maldon District Local Development Plan.

16. No development shall commence until all mitigation measures and/or works have been carried out in accordance with the details contained in the as Preliminary Ecological Appraisal (Writtle Forest Consultancy, September 2025) already submitted with the planning application and agreed in principle with the local planning authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

17. No development shall commence until a non-licensed Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

18. No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

19. No development shall commence until a Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Writtle Forest Consultancy, September 2025), has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected, priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

20. Prior to occupation of the development, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed 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.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with policy N2 of the adopted Maldon District Local Development Plan.

Informative

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.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

APPLICATION PLANS / DOCUMENTS:

Application plans:

- 06E - Proposed Site/Block Plan
- 250241/TCP - Tree Constraints Plan
- 250241/TPP/01 Rev 1 - Tree Protection Plan
- 05 - Proposed Plans & Elevations
- 250241/TPP - Tree Protection Plan
- 07 - Proposed Site Visibility Splays & Location Plan

Application supporting documents:

- Planning Statement
- Design and Access Statement
- Arboricultural Assessment (Method and Impact Assessment)
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Documentation