

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
4 FEBRARY 2026**

Application Number	25/00430/OUT
Location	Land North Of Captains Wood Road, Great Totham
Proposal	Outline application with all matters reserved, except for access for the erection of 2 new dwellings
Applicant	Mr S Hughes and Mr T Hayhoe
Agent	Mr Ian Coward - Collins & Coward
Target Decision Date	06.02.2026 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	Great Totham
Reason for Referral to the Committee / Council	Departure from the local plan

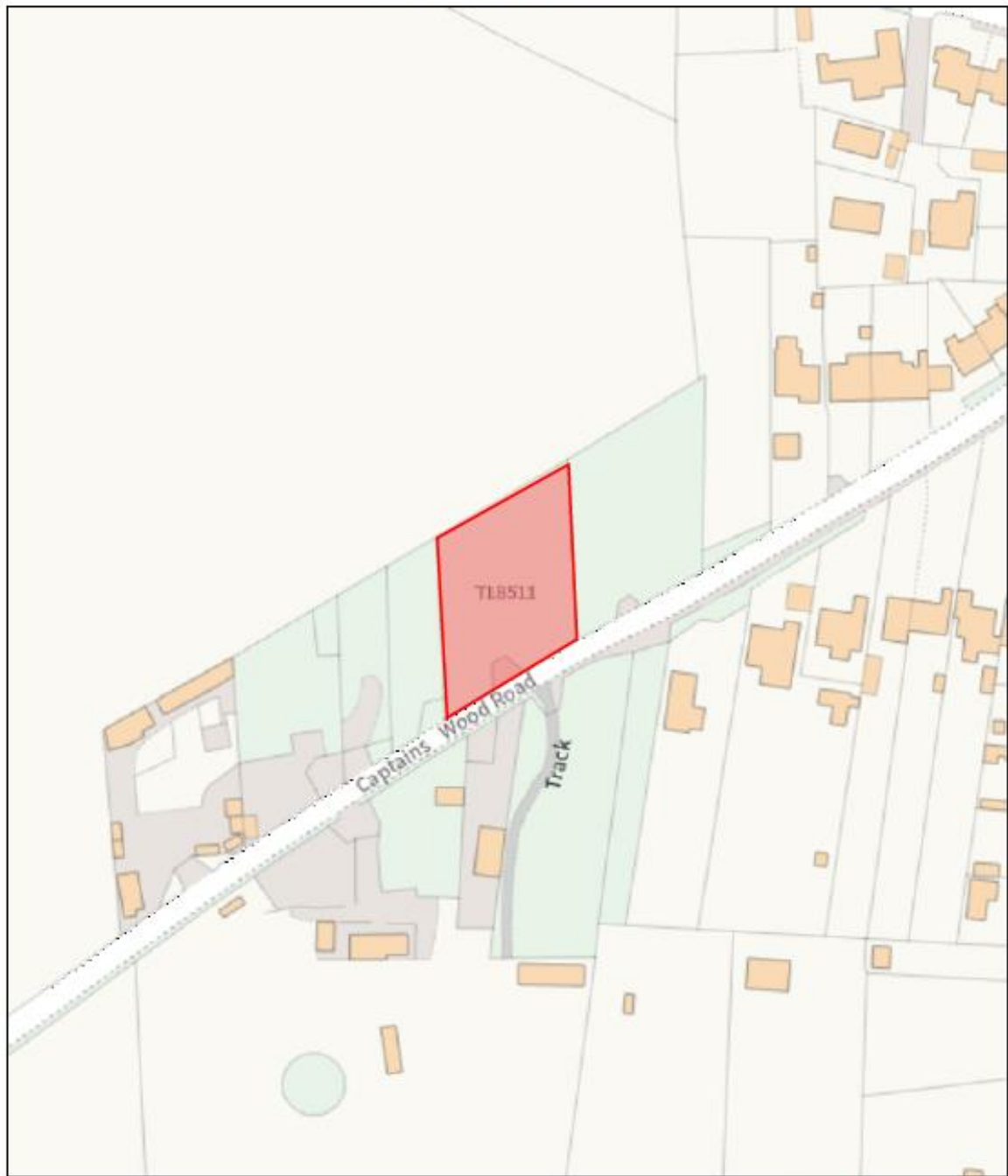
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report)

2. SITE MAP

Please see overleaf.

25/00430/OUT



0 55 110 220 ft
0 15 30 60 m

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the northern side of Captains Wood Road. The site measures 0.14 hectares in area and is approximately 40 metres outside of the settlement boundary for Great Totham and is in open countryside. There is no footway linking the site to the settlement and the speed limit at this section of the highway is 60mph.
- 3.1.2 The site comprises of an area of open grassland, with established trees and vegetation along the boundaries. The application form submitted to support the proposal states that the last use was as stables, however, the site does not have an equestrian use. A section of the front of the site has been cleared, and this is currently bound by metal hoarding.
- 3.1.3 Captains Wood Road is characterised largely by open expanses of agricultural fields. Residential development is predominantly located towards the eastern end of the road within the defined settlement boundary. The site is neighboured on all sides by open countryside, and the character at the site is rural.

The Proposal

- 3.1.4 The application seeks outline planning permission for the development of 2 dwellings with all matters reserved except access.

Conclusion

- 3.1.5 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a 5 year housing land supply, the “titled balance” 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”*
- 3.1.6 As explained within the report, it is considered that the site lies in a sustainable location, with access to local community and convenience shopping facilities within Great Totham at a reasonable distance, and the availability of regular bus services nearby.
- 3.1.7 The indicative design of the proposed development (to be confirmed at reserved matters stage) are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that the dwellings would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to planning conditions.
- 3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF and is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 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 & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

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

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 78 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March. The latest 5 Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years' supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5 year housing land supply 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 5 year housing land supply, the NPPF's tilted 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 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.
- 5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 In this case, the application site is located just outside of the settlement boundary of Great Totham, which is defined within the adopted LDP as a ‘larger village’. The village plays host to a number of day-to-day services and facilities, including Great Totham Primary School, Great Totham Stores and Post Office, and two Public Houses.
- 5.1.13 Pavement access from the site into the village is achieved via a pavement along the southern side of Captains Wood Road - whilst the initial section of the route is not lit, the pavement is relatively wide and well maintained. The availability of this walking route, and the associated distances to the services available within the village itself, serve to reduce reliance on the private car for day-to-day needs.
- 5.1.14 In addition, the site is served by two bus stops (north and south bound) approximately 200m to the west on Maldon Road, which provide links throughout the day via the 75, 90, 504 and 506 routes to Witham, Colchester and Maldon. These provide additional access to a wider range of services – again reducing the reliance on private car use.
- 5.1.15 In considering the locational sustainability of the site, officers have also taken into account the recent allowed appeal at Land Adjacent And Land West Of 6 Captains

Wood Road (application ref 23/01193/OUT) in which the Planning Inspector concluded that the site could be considered to be in a sustainable location:

“Having regard to the policies in the Framework which direct development to sustainable locations, despite its separation from the defined boundary, the site is well related to the village of Great Totham which is defined by the LP as a Larger Village and which includes a number of services and facilities. There is an existing footpath which runs along the southern side of Captains Wood Road and although this terminates close to the appeal site, it would nonetheless provide a safe and attractive walking route for future occupants of the proposal to access the services and facilities in the village. The site can therefore be considered to be in a sustainable location and would offer a choice of transport modes for its occupants. This would adhere to the relevant policies of the Framework listed in the footnote in this regard.”

- 5.1.16 For the above reasons it is therefore considered on balance that the site in this case, which adjoins the appeal site described above, also lies in a sustainable location for the purposes of assessment under paragraph 11d of the NPPF.

Social Dimension

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

Economic Dimension

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

Summary of Principle of Development

- 5.1.19 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LPD, it is considered that future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. For this reason, it is considered that the site constitutes a sustainable location and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. 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.

- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The outline proposal would provide for an additional 2 dwellings. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), given that the net increase in housing is two dwellings, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.3 Design and Impact on the Character of the Area

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

intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.3.6 Since the application is in outline form (with all matters reserved except for access) no details have been provided in relation to scale, massing and architectural style and materiality of the proposed dwellings. An indicative layout has been submitted however which it is considered demonstrates that the site can readily accommodate two dwellings at the site in an appropriate manner that is in keeping with the pattern of development along the northern side of Captains Wood Road (and accords with the type of development approved at appeal on the adjoining site). Further assessment of the detailed design would take place at reserved matters stage.
- 5.3.7 Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of two dwellings would not appear out of character in this specific location, given the context of existing residential development which extends further westwards on either side of the road from this point, as well as taking into account the recent allowed appeal at the adjoining site.
- 5.3.8 On the basis of the above, it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the National Planning Policy Framework.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 Again, due to the outline nature of the proposal it is not possible to accurately assess the potential impact of the development until reserved matters stage – however as noted above the indicative layout as shown on the submitted plans reflect the pattern of development along Captains Wood Road and the similar relationships which exist between existing properties to the north east of the site. For these reasons, it is considered that the site could accommodate two dwellings in a manner which preserves the living conditions of neighbouring residents.
- 5.4.3 Overall it is considered that the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted VPS SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance

which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.5.3 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Councils adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.5.4 The indicative plans submitted with the application show provision for a shared central access point and detached garage block to the rear of the site, with substantial driveway space for parking of cars. Essex County Council Highways have been consulted on the proposal and have raised no objection to the proposal subject to proposed conditions relating to visibility splay provision, access upgrades, cycle parking and travel information packs.
- 5.5.5 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS SPD.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with bedrooms or more.
- 5.6.2 Although outline in nature, the application plans indicate that the rear garden spaces would exceed the required area considerably as such the site is considered able to accommodate a sufficient level of private amenity space, to be assessed at reserve matters stage.
- 5.6.3 The Council's Trees Officer has been consulted on the proposals and has raised no objection subject to conditions requiring the protection and retention of existing hedgerows at the site, in accordance with the plans submitted.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 No detailed plans have yet been submitted to illustrate the likely size of units provided – nevertheless the footprints of the dwellings shown on indicative plans would suggest that the two proposed dwellings would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015), and would be able to provide acceptable light and ventilation for all habitable rooms. Again, this would be assessed in detail at reserved matters stage.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD

5.8 Flood Risk and Drainage

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of

flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.

5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to be provided prior to works above slab level, together with a number of informatives relating to waste collection, contamination, and construction.

5.9 Ecology

5.9.1 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".

5.9.2 The site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a Habitat Regulation Assessment (HRA) assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.

5.9.3 A development proposing 2 no. additional dwellings 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) 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 (ZoI) 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 2 no. additional dwellings (i.e. net increase of dwellings at the site is 2 no. dwellings)

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.

- 5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to re-consult on this Appropriate Assessment.
- 5.9.5 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 and thus, the developer contribution should be calculated at this figure. The applicant has made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.
- 5.9.6 Whilst the proposal is for self-build dwellings (and therefore exempt from Biodiversity Net Gain requirements) the applicant has submitted a Preliminary Ecological Appraisal (ROAVR, April 2025), which sets out a number of suggested mitigation measures to be incorporated as part of the development. The Council's appointed Ecology Consultant has confirmed that the scheme is considered acceptable in ecology terms subject to a series of planning conditions, which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity, that a Biodiversity Enhancement Strategy is submitted prior to works above slab level, and a sensitive lighting scheme is submitted where external lighting is proposed.

5.10 Planning balance and sustainability

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of two additional dwellings. There would also be economic activity associated with the prospective occupier of the dwellings. Whilst the dwellings would be located outside of a defined settlement boundary, as set out above it is considered that the site benefits from access to nearby services and bus routes and as such is considered to be in a sustainable location. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.
- 5.10.3 Whilst the contribution that two additional dwellings would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Ref	Description	Decision
23/00497/OUT	Outline planning application with some matters reserved for the enlargement of existing access and erection of 2 No detached bungalows	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The land is outside the development boundary and on a road unsuitable for increased traffic.</p> <p>However, if this was to be granted against our recommendation, Members have asked if there could be consideration given to the road being widened at this point, the hedge pushed back and a pedestrian pavement installed to increase what is currently an unsafe road for pedestrians.</p>	<p>Noted - principle of development discussed at section 5.1 above and highways at section 5.5 above.</p>

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
ECC Highways	<p>(in response to amended plans)</p> <p>No objection, subject to conditions relating to vehicular access widening and visibility splays, cycle parking and resident travel pack conditions</p>	<p>Noted - discussed at section 5.5 above</p>

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and informatives	Noted - discussed at section 5.8 above
Ecology	No objection subject to conditions requiring submission of of a mobile species scheme and Biodiversity Enhancement Strategy,	Noted - discussed at section 5.9 above

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on the 9 May 2025 (with expiry date for comments set at 16 June 2025). The notice was affixed at eye level to a telegraph pole immediately adjoining the site.

- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 15 May 2025 (with expiry date for comments set at 5 June 2025).

7.5 Representations received from Interested Parties (summarised):

- 7.5.1 One email of support has been received in relation to the proposals, specifically offering support for the improved visibility splays proposed.

8. PROPOSED CONDITIONS

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale 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(s) 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 of the Town & Country Planning Act 1990 (as amended).
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 of the Town & Country Planning Act 1990 (as amended).
4. The development hereby permitted shall be carried out in accordance with Brown & Cos site location plan.
REASON: To ensure that the development is carried out in accordance with the details as approved
5. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until written details of the proposed materials to be used in 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 interest of the character and appearance of the area in accordance with policy D1 of the approved LDP and guidance contained within the National Planning Policy Framework.
6. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. Proposed finished levels contours;

- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

7. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no development shall commence until satisfactory information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree Protection Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement (including drainage service runs and construction of hard surfaces)

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

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance.

9. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) are to be provided by the Developer to the dwelling free of charge.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.

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

- 1) The development should be able 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 should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy D2 of the Maldon District Local Development Plan (2017).

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

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan (2017).

12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ROAVR, November 2025) as submitted with the application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species 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 (Priority habitats & species)

13. No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species 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, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - 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 and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

14. Prior to installation of any external lighting to the dwelling, a scheme for sensitive lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate, contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 (Priority habitats & species)

15. 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.

- e. no waste materials should be burnt on site, instead being removed by licensed waste contractors.
- f. no dust emissions should leave the boundary of the site.
- g. consideration to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- h. hours of works undertaken only between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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 and in the interest of protecting residential amenity, in accordance with Policies D1, D2, D5 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

INFORMATIVES

Drainage

- In order to satisfy the surface water drainage 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 the developer will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- The developer should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed and a scheme to bring the site to a suitable condition be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and the Environment Agency's 'Land Contamination Risk Management' guidance.
- When a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.

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

Highways

- There shall be no discharge of surface water from the development onto the Highway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Construction

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

Waste Management

- The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

APPLICATION PLANS

- 3688.02 - Location Plans
- 3688.01 Rev A Proposed Site Plan
- Preliminary Ecological Appraisal