



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
22 JULY 2026**

Application Number	26/00296/FUL
Location	Land At 1 Imperial Avenue, Mayland CM3 6AQ
Proposal	Erection of a self-build, custom build single-storey one bedroom dwelling.
Applicant	Miss L Haywood
Agent	Mr Andrej Bozin – Agency of Architecture
Target Decision Date	29 July 2026
Case Officer	Hayley Sadler
Parish	Mayland
Reason for Referral to the Committee / Council	Councillor / Member of Staff

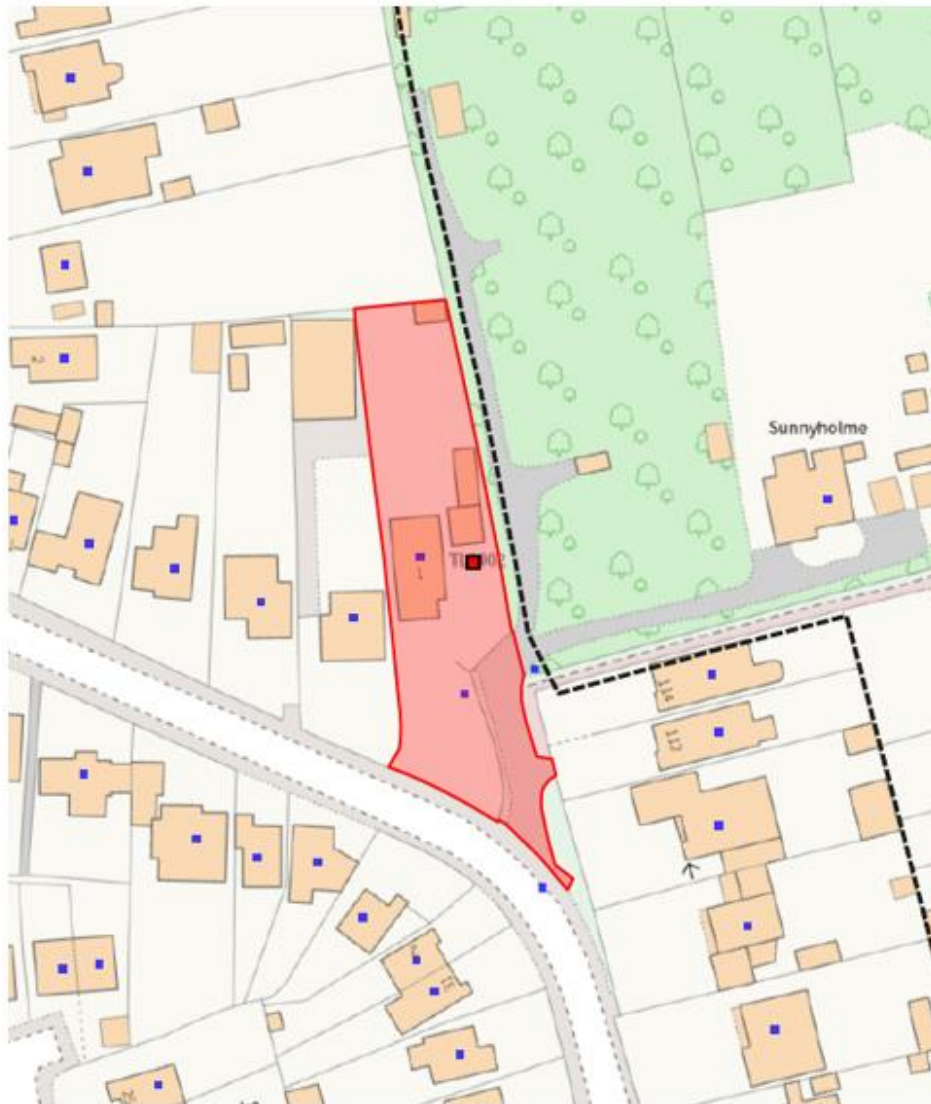
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

26/00296/FUL – Land At 1 Imperial Avenue – Mayland



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Imperial Avenue within the settlement boundary of Mayland. The site is occupied by the host dwelling (No.1 Imperial Avenue), a detached bungalow, and detached garage to the east. The surrounding area is residential with dwellings of varying design.
- 3.1.2 Planning permission is sought for the erection of a self-build, single storey one bedroom dwelling.
- 3.1.3 The proposed dwelling would measure 5.6 metres in width, 12.4 metres in depth, an eaves height of 2.3 metres and overall ridge height of 5.1 metres. One window is proposed to the front (south) elevation, an entrance door and two windows are proposed to the side (west) elevation, two windows to the side (east) elevation and french doors with glazed panels to each side are proposed to the rear (north) elevation. The dwelling would provide accommodation in the form of an entrance hallway, one bedroom, shower room, utility room and open plan kitchen and lounge/dining room.
- 3.1.4 The existing detached garage associated with No.1 Imperial Avenue is proposed to be demolished to facilitate the construction of the proposed dwelling.
- 3.1.5 The materials proposed in the construction would be composite cladded walls, sandtoft concrete shire pantile roof tiles and UPVC casement windows.

3.2 Conclusion

- 3.2.1 The proposed development would result in a cramped form of development which is contrary to the prevailing character of the area which is predominately dwellings set within spacious plots which would result in harm to the intrinsic character of the surrounding area. This is contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan (LDP) (2017), the Maldon District Design Guide (MDDG) (2017) and the policies and guidance in the National Planning Policy Framework (NPPF). Furthermore, the required RAMS payment has not been made which would amount to a second reason for refusal. No concerns are raised in respect of residential amenity, design or highways.

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
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 85-87 Building a strong, competitive economy
- 96-102 Promoting healthy and safe communities
- 109-114 Promoting sustainable transport
- 124-130 Making effective use of land

- 131-141 Achieving well-designed places

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
 - Maldon District Vehicle Parking Standards (Supplementary Planning Document (SPD))
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (adopted August 2020)
- Mayland Neighbourhood Development Plan

5. **MAIN CONSIDERATIONS**

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 Policy S1 of the LDP states that *“When considering development proposals the Council will take a positive 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.*

Sustainable Development

5.1.3 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.

- 5.1.4 The NPPF's overarching objectives relating to sustainable development are set out in the form of three interdependent dimensions: Economic (supporting a strong and competitive economy); Social (delivering the homes, infrastructure and environments needed for present and future generations); and Environmental (protecting and enhancing the natural, built and historic environment, including addressing climate change). An assessment of the application scheme in relation to each dimension is set out below:

Environmental Dimension

- 5.1.5 A fundamental element of the environmental dimension is the locational sustainability of development, and the degree to which a site is accessible to services, facilities and sustainable modes of transport. Consideration must be given to a number of parameters - including (but not limited to) the distance to the nearest settlement; proximity of local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.6 The application site is located within the settlement boundary of Mayland within a residential area. The site is accessed by a private un-made shared access off of Imperial Avenue, which also serves an additional three dwellings.
- 5.1.7 The application site lies within the settlement boundary of Mayland and would deliver social benefits with the delivery of 1 No. dwelling, and economic benefits during construction and thereafter with the spending powers of future residents. Mayland has a high number of facilities within the main village. There are a number of bus stops in close proximity, one is located 0.4 miles (approximate nine minute walk) to the south on The Drive with another located 0.2 miles (approximate five minute walk) to the west on Imperial Avenue. Overall, the development would fall to be sustainable development and the principle of development is supported in accordance with Policy S8.

Social Dimension

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

Economic Dimension

- 5.1.9 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses. There would be a minimal benefit also in terms of construction jobs.
- 5.1.10 Whilst the development is considered to be in a sustainable location, within the settlement boundary and therefore in compliance to Policy S8 of the LDP, subject to matters of details being acceptable as detailed in the remainder of the report.

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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 Within the vicinity of the application site the dwelling plots are predominantly elongated with the dwellings set to the front of the plots and reasonably large gardens to the rear. The building lines follow the line of the highway to which they front. It is noted that the existing dwelling (No.1 Imperial Avenue) is set back further than the other dwellings in this part of Imperial Avenue, and benefits from large front and rear garden areas. It should also be noted that there is a Public Right Of Way (PRoW)(Footpath 1) which forms part of the shared access under the ownership of the application and then goes off to the east of the application site. The proposed dwelling would replace the existing associated garage to No.1 Imperial Avenue and the site would be subdivided to create two plots. The location of the proposed dwelling within the site would create a cramped form of development that would be out of character with the surrounding and would dominate the site and create a visually prominent level of built form which would appear inappropriate in its setting.
- 5.2.5 The application has brought to the attention of three other sites within Mayland that are of a similar proposal. Officers have considered these sites but each application should be determined on its own merits and each site is unique in its setting. Whilst they are broadly similar, it does not follow that all subsequent applications should be approved, and for the reasons cited in this report this proposal is considered harmful to the character of the area.
- 5.2.6 It is considered that the development, would result in harm to the character and appearance of the existing site and surrounding locality so as to conflict with Policies S1, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 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).
- 5.3.2 The application site is bordered by one neighbouring property, No.3 Imperial Avenue to the west. To the east of the application site is a private track which separates the site with an open field
- 5.3.3 The proposed Dwelling would sit approximately ten metres from the boundary with the dwelling to the west, No.3 Imperial Avenue and would also be separated by the garden area associated with No.1 Imperial Avenue. Due to the separation distance and single storey nature, it is not considered that the proposal will result in an unneighbourly form for development.
- 5.3.4 The proposed dwelling would sit approximately 1.2 metres from the boundary with No.1 Imperial Avenue, a 1.8 metre close board fence is proposed along the side (west) boundary which would obscure the majority of views to the proposed windows on the side (west) elevation of the proposed dwelling.

- 5.3.5 The Council's Environmental Health team have not raised any concerns regarding the proposal and conditions could be imposed if planning permission were to be granted. Therefore, it is considered that the proposal would not be an unneighbourly form of development and would comply with Policy D1 and the NPPF in this respect.

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 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.
- 5.4.2 The proposed dwelling would have one bedroom, the maximum level of parking required by the adopted parking standards is a minimum of one parking space for a one bedroom dwelling, measuring 2.9 m wide and 5.5 m deep. The plans show an area to the front of the dwelling which would provide two car parking spaces, it is considered to provide the site with sufficient space for a minimum of one reasonable sized car and would be able to access and egress the site.
- 5.4.3 The proposed dwelling would be sited in place of the existing detached garage associated with No.1 Imperial, whilst this would result in the loss of the parking provision for No.1 Imperial, there would be sufficient space to the front of the dwelling to accommodate at least two reasonable sized cars.
- 5.4.4 To the south of the application site on the eastern side of the shared access is a PRoW (Footpath 1), which leads off to the east of the application site.
- 5.4.5 The Highways Authority have been consulted on the application and have advised that the site will be accessed via a private shared drive off Imperial Avenue, which is a shared PRoW. No objection is raised subject to recommended conditions and informatives. Therefore, no objection is raised in relation to traffic and transport issues.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The block plan submitted would have an area of approximately 135m² of garden space to the rear of the dwelling and would not result in the level of private amenity space being below the minimum standard recommended in the SPD.
- 5.5.3 The submitted block plan also shows that permeable paving will be added to the front and west of the proposed dwelling and a 1.8 metre high close board fence will be erected along the western boundary. Therefore, the proposal is in compliance with Policy D1 of the LDP.

5.6 Ecology (including the impact of development within the Zone of Influence (Zoi) for the Essex Coast RAMS)

- 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 Strategic LDP 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.
- 5.6.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

Ecology

- 5.6.4 The presence of protected species is a material consideration, in accordance with the NPPF (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.”

Biodiversity Net Gain

- 5.6.5 The proposal is for a self-build dwelling (and therefore exempt from Biodiversity Net Gain (BNG) requirements). Therefore, the proposal is in compliance with policies S1, N1 and N2 of the LDP and the NPPF.
- 5.6.6 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast 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.
- 5.6.7 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) record has been completed (below) to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

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

5.6.9 HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

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

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

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

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary Special Protection Areas(SPA) and Dengie SPA)

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

5.6.11 HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

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

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

5.6.12 Summary of Appropriate Assessment

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.

5.6.13 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be consulted on this Appropriate Assessment.

5.6.14 As a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE’s advice, it is considered that mitigation, in the form of a financial contribution per dwelling is necessary. The RAMS mitigation payment has not been received. The proposal is therefore contrary to Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

5.7 Planning balance

- 5.7.1 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.
- 5.7.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Whilst the dwelling would be located within the 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 outlined above it is considered that the proposed development would result in a harm to the impact on the character and appearance of the area, resulting in a cramped form of development. The design and layout of the proposal would not result in harm to neighbouring amenity and the proposal provides adequate car parking, amenity space and living conditions for prospective occupants.
- 5.7.3 Whilst the contribution that an additional dwelling would make towards housing land supply is considered limited, it is considered that the harms caused by the development that would significantly outweigh these benefits; and as such the development is not considered in compliance with the policies contained within the LDP.
- 5.7.4 In addition to the harm to the character of the area, the applicant has failed to provide the necessary RAMS contribution which is therefore a second reason for refusal.

6 ANY RELEVANT SITE HISTORY FOR THE WHOLE SITE

- **99/00436/FUL** - Proposed front and rear extensions - Approved – 23 June 1999.
- **99/00436/FUL/A** - Proposed front and rear extensions. Amended plans – addition of bay window to front - Approved – 13 April 2000.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object • Backland development • Overcrowded • Roof height is thought to be high	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection – subject to recommended conditions and informatives	Noted – refer to section 5.5 of report
Public Right of Way Officer	No objection – subject to recommended informatives	Noted – Refer to section 5.5 of report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection – subject to recommended conditions	Noted – Refer to section 5.4 of report

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of two site notices posted on the 14 May 2026 (with expiry date for comments set at 5 June 2026). One site notice was affixed at eye level to a telegraph pole located to the west of the application site to the front of No.3 Imperial Avenue, the second was affixed at eye level to a telegraph pole located to the front (south) of the application at the entrance to the site, both were in a prominent position within the street scene.

Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 21 May 2026 (with expiry date for comments set at 11 June 2026).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No letters of representation have been received.

8 REASONS FOR REFUSAL

- 1 The proposed development would result in a cramped form of development which is contrary to the prevailing character of the area which is predominately dwellings set within spacious plots which would result in harm to the intrinsic character of the surrounding area This is contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework.
- 2 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 the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan (2017), and the policies and guidance in the National Planning Policy Framework (December 2023).