



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
26 NOVEMBER 2018**

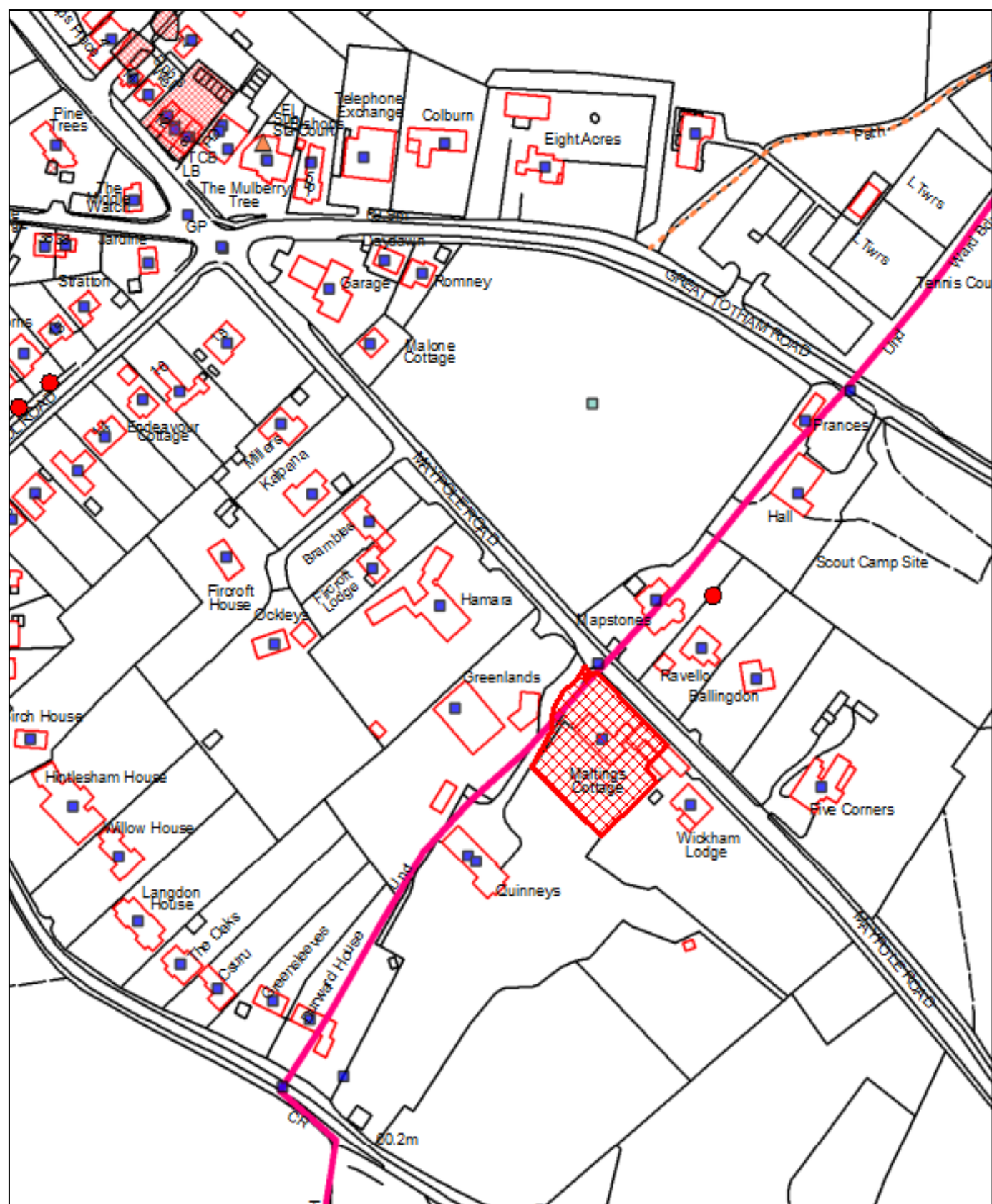
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| <b>Application Number</b>                             | <b>FUL/MAL/18/01180</b>   |
| <b>Location</b>                                       | Maltings Cottage Maypole Road Great Totham Essex  |
| <b>Proposal</b>                                       | Refurbishment and extension of existing cottage (demolition of 1990's extension) and courtyard housing scheme of six new, accessible 2 bedroom homes. |
| <b>Applicant</b>                                      | Ms Dennison   |
| <b>Agent</b>  | Ms Annabel Brown - Annabel Brown Architect  |
| <b>Target Decision Date</b>                           | 04.12.2018  |
| <b>Case Officer</b>                                   | Yee Cheung - 01621 854477   |
| <b>Parish</b>   | <b>GREAT TOTHAM</b>   |
| <b>Reason for Referral to the Committee / Council</b> | The planning application is called in by Councillor J V Keyes on the grounds of public interest.  |

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south-west side of Maypole Road, just outside the development boundary of Wickham Bishops village. The site is occupied by a dwelling and is attached to a single-storey and two-storey building, known as the malting, which fronts the highway. The malting was historically used to collect grains within the single-storey part of the building, before being moved to the kiln for drying within the two-storey part of it.
- 3.1.2 To the northwest side of the bungalow is a double garage. The access and egress point to the site is shared with a property called 'Quinneys' which is located some 55 metres away to the south-west of the application site.
- 3.1.3 The garden area to the rear of the property is laid to grass and is surrounded by brick walls and a high hedgerow. Within the garden are ornamental and semi-mature trees.
- 3.1.4 The site is bounded on all sides by residential properties on spacious plot sizes. To the north-west is 'Greenlands'. To the south-west is 'Quinneys'. To the south-east is Wickham Lodge. Directly opposite the site are residential properties 'Mapstones', 'Ravello', and 'Ballington'.
- 3.1.5 Planning permission is sought to demolish a 1990s extension which forms a part of the existing cottage located within the centre of the plot; to convert, extend and refurbish the remaining existing cottage (the malting building) to a two / three bed dwelling. The proposal would also include an integral garage, the construction of a garden room, and the formation of a garden area to the southern side of the building. In addition to the above, the proposal would also include the construction of a housing scheme comprising six, two-bed houses in a courtyard arrangement. The dwellings would be part single-storey and two-storey with ridge heights ranging between 4.6 metres when measured at its lowest point up to 6.8 metres at its highest point.
- 3.1.6 Each dwelling (Plots 1-6) measures approximately 4.7 metres deep when measured at its narrowest point and 8.5 metres at its deepest point. The width of the properties varies between 9.5 metres and 9.8 metres. At ground floor of the properties, a bedroom, WC, kitchen / dining room and a living room are proposed. A further bedroom with an en-suite is proposed at first floor level.
- 3.1.7 Off-street parking is proposed within the site in the form of carport and garages. Block Plan PL10 shows nine parking spaces are available within the centre of the plot. Private amenity spaces are proposed either to the side or rear of dwellings.
- 3.1.8 The proposal also includes the conversion of the existing malting into a two/three bed dwelling. At ground floor of the malting, a living room, kitchen, garden room, utility room, storage / boiler room, garage, and a study / bedroom 3 are proposed. Two bedrooms (one with a shower room) and a bathroom are proposed at first floor level.
- 3.1.9 A communal bin store is proposed to the north side of Plot 1.

- 3.1.10 It is proposed that the dwellings would be constructed using facing brickwork and weatherboarding for the external walls. Clay tiles and slates would be used for the roof. The doors and windows would comprise of either be uPVC or aluminium.
- 3.1.11 This proposal is a resubmission following a recent refusal for the residential development of six, two-bed units and a detached chalet bungalow (reference: FUL/MAL/18/00751). The current application seeks to address the reasons for refusal listed below:-

*“The proposal would by reason of its position, size, design and external appearance, cause demonstrable harm to the Non-Designated Heritage Asset and if approved would materially and adversely affect its local architectural and historic interest and significance. The development would also represent an intrusive development, out of character and appearance with the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Therefore the proposal would be contrary to policies S1, S8, D1, D3, H4 and S8 of the Maldon District Local Development Plan, Maldon District Design Guide, and Government guidance contained within the National Planning Policy Framework”.*

*“Given the restrictive size of the amenity spaces proposed and the location of the proposed development, the proposal is considered to result in amenity spaces that would fail to be adequate in meeting the needs of future occupiers of the site, to the detriment of their amenity and standard of accommodation. The proposal would fail to accord with policies D1 of the Maldon District Local Development Plan, the Maldon District Design Guide and Government advice contained within the National Planning Policy Framework”.*

### **3.2 Conclusion**

- 3.2.1 The proposal would, by reason of its layout, size, design and external appearance, represent an incongruous development, out of character and appearance with the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Further, the proposed bin store, by reason of its poor location, would not be conveniently located to encourage use by the future occupiers of the site. It is considered that the proposal would be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP), Maldon District Design Guide (MDDG), and Government guidance contained within the National Planning Policy Framework (NPPF).
- 3.2.2 The parking bays proposed would fail to accord with Policy T2 of the Local Development Plan (LDP) as the dimension of the bays falls short of the dimensions contained in the Vehicle Parking Standards 2018.

## **4. MAIN RELEVANT POLICIES**

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

**4.1 National Planning Policy Framework 2018 including paragraphs:**

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 189-192 Proposals affecting heritage assets

**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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG)
- Maldon District Car Parking Standards (SPD 2018)

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

5.1.1 The application site is outside the defined development boundary of Wickham Bishops, and therefore the development of this site would be contrary to Policy S8 of the LDP which is unequivocal in the purpose of directing development to within defined development boundaries. This approach is to protect the rural countryside from unnecessary development that should otherwise be located in existing settlements / urban areas.

5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. 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 that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses.

- 5.1.3 As mentioned above, the application site lies outside the settlement of Wickham Bishops, and Policy S8 applies to this case. The principle of the proposed development would be contrary to the policies of the development plan and as such there is no policy justification to support the proposal that would result in a net increase of housing at this site.
- 5.1.4 Policy S8 should be read in connection with Policy S2. Policy S2 identifies the Council's housing supply to 2029. The Council's Five Year Housing Land Supply Report (published October 2018) demonstrates that there is a deliverable housing supply equivalent to 5.54 years. In order to future proof the Five Year Housing Land Supply, against the forthcoming publication of the Housing Delivery Test results (to be issued by the Ministry of Housing, Communities and Local Government, expected November 2018), a 20% buffer has been applied. Even with the 20% buffer, there is still more than five year's supply of housing land in the District. As there is a sufficient supply of housing land in the District, NPPF Paragraph 11d is not engaged.
- 5.1.5 The Council has noted that directly opposite the application site is 'Ravello', a house that has been constructed outside the development boundary of Wickham Bishops. This house was allowed on appeal (FUL/MAL/14/00441). To the north-west of Ravello is a site for the development of 14 houses. That site also lies outside the development boundary and was allowed on appeal (OUT/MAL/15/00267). These residential developments were allowed as they were considered before the approval of the LDP by the Secretary of State where the Council was not able to demonstrate a five year housing land supply.
- 5.1.6 While it is noted that the application site is considered to be in a sustainable location in terms of accessibility, the planning application has to be considered in the light of other Development Plan Policies, these include the design of development, its impact on the character and appearance of the area and the loss of a Non-Designated Heritage Asset. These considerations will be discussed in the officer report below.

## **5.2. Housing Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 61 of the NPPF where it requires local authorities '*to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals*' and to plan for houses needed including '*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)*'.
- 5.2.2 The proposal would provide six x two-bed dwellings and the retention of a part of the existing cottage. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom

units. Policy H2 therefore encourages the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

- 5.2.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The Council considers that the residential scheme proposed in this application would be supported as it provides smaller units for the District in accordance with the SHMA. Therefore the proposal would make a positive contribution, albeit a small number, in respect of social sustainability.

### **5.3 History Background of the Site**

- 5.3.1 Maltings Cottage and the adjoining historic structures are of local architectural and historic interest, as a valuable example of a late-Georgian rural maltings. The tallest part of the building, which originally functioned as the kiln, has a distinctive form with a half-hipped gambrel roof, and it is a particularly attractive element in the streetscene. The building exhibits quality materials, detailing and workmanship.
- 5.3.2 Having considered its local architectural and historic interest, the Conservation Officer was consulted for further advice. Same as the previous consultation response, the Conservation Officer has acknowledged that the building has been much altered, as a result of its conversion to a house early in the 20th century, by its extension in the 1970s and later by the insertion of uPVC windows. These alterations have diminished the building's significance to some degree. Nevertheless, it is considered that the building meets the adopted criteria for Maldon District Council's "Assets of Local Heritage Value" and it has been advised that the building possesses sufficient interest to be regarded as "Non-Designated Heritage Asset" for the purposes of Paragraph 197 of the NPPF. The building's heritage significance should therefore be taken into account in determining the application.
- 5.3.3 Paragraph 197 of the NPPF relates to designated and to Non-Designated Heritage Assets and states the effect of an application on the significance of a Non-Designated Heritage Assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.3.4 As the current proposal involves the conversion of the malting building instead of demolishing it and that other dwellings are positioned away from this Non-Designated Heritage Assets, it is considered that the development would have a lesser impact when compared to the previous planning application where the proposal was to demolish the malting building.
- 5.3.5 The Conservation Officer was consulted and has advised that the revised scheme would see the retention of the historic malting building. The proposal includes the removal of the cottage's large modern 1990s extension, which would improve the ability to read the heritage asset as a distinct structure. A courtyard of six semi-detached and modestly scaled cottages would be built to the rear of malting building. The Conservation Officer has recognise that the loss of the 1990s extension would be

a benefit, and that the scheme has some architectural merit, but some harm will be caused to the setting of the heritage asset as a result of the more intensive development of its setting. Therefore it is considered that the significance of the Non-Designated Heritage Asset would be “less than substantial”.

- 5.3.6 The harm of the development proposal must be weighed against the benefits of the proposal, including the loss of the unattractive 1990s extension, and any public benefits. In this instance, it is considered the harm caused would be moderate. The proposal would, on balance, accord with Policy D3 of the LDP and the NPPF.

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

- 5.4.1 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.

- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.*

- 5.4.3 The above principle is also set out in the approved LDP. 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 in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency
- 5.4.4 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics



of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.4.5 The application site lies outside the defined development boundary of Wickham Bishops. 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.
- 5.4.6 The proposal is a resubmission following a recent refusal for the demolition of the existing house and the construction of six, two-bed dwellings in the form of terraced properties with a chalet style bungalow to the rear with associated parking and turning area (reference: FUL/MAL/18/00751). The current application seeks to demolish a 1990s extension which forms a part of the existing cottage, to convert the existing cottage (the malting building) into a two / three bed dwelling with associated off-street parking with a garden room extension and garden area which will be located almost central to the plot. To the south-east, south-west, and north-west, six x two bed dwellings are proposed in a courtyard arrangement.
- 5.4.7 In terms of the design and appearance of the development, the dwellings lack architectural quality. The elongated frontages, varied roof designs (i.e. asymmetric and gable ends of the new build and half hipped roof of the existing malting building) and varied heights appear incoherent when viewed in the street scene. While the built form of development in a courtyard arrangement could vaguely be argued as a rural / farmstead type development and connected to the existing malting building, it is considered that the development is out of keeping with its wider context when viewed next to existing dwellings on spacious and generous sized plots. Further, the type of dwellings proposed on this plot are not characteristic of dwellings that are commonly found along this part of Wickham Bishops and therefore would also be visually out of keeping in the area.
- 5.4.8 The use of external materials such as cladding would assist in alleviating and breaking up the elongated frontages of the built form. However, the use of the materials appears confusing and at odds with the overall development scheme particularly where vertical and horizontal claddings are proposed. The openings for windows, doors and on the roofs appear random and do not appear to have been carefully considered due to their sizes and positions on each building.
- 5.4.9 Section C13 of the MDDG states that *‘while it is important to ensure best use of land in an efficient and cost-effective manner, density should be appropriate to the location and respond to and/or enhance the character of the existing settlement and context. Typically, densities decrease the further from the centre of a settlement. Lower densities may be more appropriate in Agricultural or Arcadian settlements and edge of settlement sites’*. The development proposal appears at odd with the prevailing character and appearance of the area as it forms a courtyard arrangement which is not apparent in the locality. This type of site layout currently proposed is not found towards the south-east part of Maypole Road, outside the village envelope as

residential properties to the south-east of the village are on spacious plots and peters out as it becomes more rural in nature. The proposed dwellings on this plot also appears cramped and to some degree, overdeveloped when compared to the density of development in close proximity of this site, and therefore would not make a positive contribution to the character of the area.

- 5.4.10 The MDDG advises that *'refuse and recycling bins should be carefully designed to create a sense of order and reduce litter and vandalism'*. It is noted that the communal bin store would be located to north side of Plot 1 and forms an enclosure to the private amenity space. Having considered the distance of the communal bin store and its location, it is not considered that the future occupiers of the site would be encouraged to use this facility as it is inconveniently tucked to the rear of Plot 1 next to main road. It is noted that the doors to the bin store opens outwards which would result in the future occupiers of the site stepping onto the green verge, close to the main road. Household waste could also be left outside the bin store which would have a visual impact in the street scene.
- 5.4.11 Having considered the above, it is considered that the proposal would fail to accord with policies S1, D1, S8 and H4 of the LDP, the MDDG and Government advice contained within the NPPF.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 In terms of loss of privacy and overlooking, it is noted that there are roof lights proposed on the rear elevations of Plots 1 and 2. The four large roof lights provide light to the living rooms at ground floor while the two smaller roof lights would serve en-suites at first floor level. Therefore it is not considered that these windows on Plots 1 and 2 would result in loss of amenity to the existing occupiers at 'Green Lands' to a degree to warrant refusal as this window could be obscure glazed should the application be approved. As the internal layout of the Plots 3, 4, 5 and 6 are identical to Plots 1 and 2, it is not considered that any loss of amenity would occur to the existing occupiers at 'Quinneys' to the south-west and 'Wickham Lodge' to the south-east.
- 5.5.3 No first floor windows are proposed on the flank wall of Plots 2, 3, 4, 5 and 6. As such, no loss of privacy or overlooking would occur to the existing occupiers at 'Green Lands', 'Quinneys' and 'Wickham Lodge'. The proposal would therefore accord with Policy D1 of the LDP.
- 5.5.4 Having considered the distances between 'Green Lands' (19 metres away), 'Quinneys' (37 metres away) and 'Wickham Lodge' (13 metres away) it is not considered that the development proposal would result in loss of light or outlook to the existing occupiers of those properties to warrant refusal.

- 5.5.5 With regard to noise and disturbance, this would be only be for a short period of time during the construction of the development, and would be unreasonable to refuse the application on this basis.

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

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.3 Based on the Proposed Ground Floor Plan submitted (PL10) it shows that Plots 1 and 2 each benefit from 3 off-street parking spaces. Plots 3, 4, 5 and 6 each benefit from two off-street parking spaces. The conversion of the malting building would enable the provision of two-off-street parking. In the Maldon District Vehicle Parking Standards Supplementary Planning Document (2018), it stipulates that for two and three bed dwellings a minimum of two car parking spaces would be required to meet Policy T2. The proposal provides car parking in the form of car ports and a communal parking area within the centre of the development. The proposal would therefore accords with Policy T2 of the LDP.
- 5.6.4 The plan shows that each parking bay measures approximately 2.5 metres x 4.8 metres. This dimension would have accorded with the Vehicle Parking Standards 2006. However, the proposal does not accord with the current standards in the Vehicle Parking Standards 2018 where the requirement is 2.9 metres x 5.5 metres. The dimensions of the car ports proposed within the site measures 2.7 metres x 4.8 metres. These also fail to meet policy requirements where 3 metres x 7 metres is now required. The proposal would therefore fails in this respect.
- 5.6.5 In terms of access, a new pedestrian and vehicular access point would be created to serve the future occupiers of the site. The Highway Authority has assessed the

proposal and has raised no objection to the proposal subject to conditions should the application be granted.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 With regard to the size of amenity spaces, the council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for 1-2 bedroom dwellings, at least 50m<sup>2</sup> of amenity space would be required. For dwellings that have 3 or more bedrooms, 100m<sup>2</sup> should be considered. This policy requirement is also reflected in Section C07 'residential outdoor amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.7.2 The private amenity spaces proposed for the six x two bed dwellings range between 50 and 84sqm. The garden area for the converted malting building would be approximately 75sqm. In this respect, the proposal would accord with Policy D1 of the LDP and Section C07 of the MDDG. It is noted that the garden sizes proposed have addressed the previous reason for refusal.

## **5.8 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy**

- 5.8.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.8.2 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses of Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.3 Prior to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.4 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 the development could potentially have a significant effect on the sensitive

interest features of these coastal European designated sites, through increased recreational pressure.

- 5.8.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.6 To accord with Natural England's requirements, a Essex Coast 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, as follows:

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 specified development types? **Yes – The proposal is for six x dwellings and to refurbish / extend the existing cottage (malting building)**

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

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

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

Summary of Appropriate Assessment

As a competent authority, the local planning authority concludes that the project will not 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 that Natural England's interim advice is guidance only, it is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

## 5.9 Other Considerations

- 5.9.1 The Environmental Health Service has assessed the proposal and raised no objection to the proposal providing conditions are imposed in relation to surface water and foul drainage details are submitted to and approved by the Council should the application be approved.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/04/01042** - Convert garage into habitable room, build new double garage. Approved on 08.11.2004
- **FUL/MAL/18/00751** - Demolition of existing house and redevelopment of the site to provide 4 No. end terrace two-storey two bed units, 2 No. mid terrace two-storey two bed units each with private amenity space, 2 No. car parking spaces each and storage unit. 1 No. chalet bungalow to rear of site with private amenity space and garage. Refused on: 28.08.2018

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council  | Comment   | Officer Response             |
|--------------------------------|---|------------------------------|
| Great Totham Parish Council    | Object:<br>The proposal would harm the malting building; have an unacceptable intrusive urbanising effect; impact on neighbouring properties; out of scale and character with the prevailing pattern of development in the locality   | Noted in the officer report. |
| Wickham Bishops Parish Council | <u>Approve:</u><br><br>Outside development boundary, but this has not prevented development.<br><br>Development would not impact on the streetscene due to its courtyard arrangement but density is out of keeping with the neighbouring properties.<br><br>The proposal would preserve the malting building. | Noted in the officer report. |

| <b>Name of Parish / Town Council</b> | <b>Comment</b>  | <b>Officer Response</b> |
|--------------------------------------|---|-------------------------|
|                                      | The smaller units would meet the Wickham Bishops Housing Survey Needs 2017. |                         |

## 7.2 Statutory Consultees and Other Organisations

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>      |
|---|---|------------------------------|
| Highway Authority                                       | No objection subject to conditions should the application be granted. | Noted in the officer report. |

## 7.3 Internal Consultees

| <b>Name of Internal Consultee</b> | <b>Comment</b>   | <b>Officer Response</b>      |
|-----------------------------------|--|------------------------------|
| Environmental Health Service      | No objections providing conditions are imposed regarding surface water and foul drainage to be submitted and approved.   | Noted in the officer report. |
| Conservation Officer              | It is advised that harm caused to the significance of the non-designated heritage asset would be “less than substantial”, and could be fairly described as moderate. | Noted in the officer report. |

## 7.4 Representations received from Interested Parties

- 7.4.1 Two letters were received **objecting** to the application. The reasons for objection are summarised as set out in the table below:

| <b>Objection Comment</b>   | <b>Officer Response</b>  |
|--|--|
| <ul style="list-style-type: none"> <li>• Increase in traffic and impact on Blue Mill Bridge.</li> <li>• Noise level increase during construction work.</li> <li>• New homes / estate development would ruin the character of the village.</li> <li>• The development is too dense and not in keeping with surrounding properties on spacious plots.</li> </ul> | Noted in the officer report. With regard to the increase traffic on Blue Mill Bridge, there is no evidence to suggest that the future occupiers of this site would have an impact on this bridge. It would therefore be unreasonable to refuse the proposal on this basis. |

**8. REASONS FOR REFUSAL**

- 1 The proposal would by reason of the position, size, layout, design and external appearance of the proposed dwellings, represent an intrusive development, out of keeping with the character and appearance of the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Further, the close proximity of the bin store next to Plot 1 and the main road would result in detrimental impact upon the future occupiers of that property. The location of the bin store would not be attractive for the future occupiers of the site. The proposal is therefore unacceptable and fails to accord with policies S1, S8, D1 and H4 of the MDLDP, MDDG, and Government guidance contained within the NPPF.
- 2 The proposed development would not be served by sufficient car parking of adequate size to comply with the Maldon District Vehicle Parking Standards 2018. The proposal would therefore be served by inadequate parking which would have the potential to cause unsafe parking, to the detriment of highway safety and contrary to Policy T2 of the MDLDP.