



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

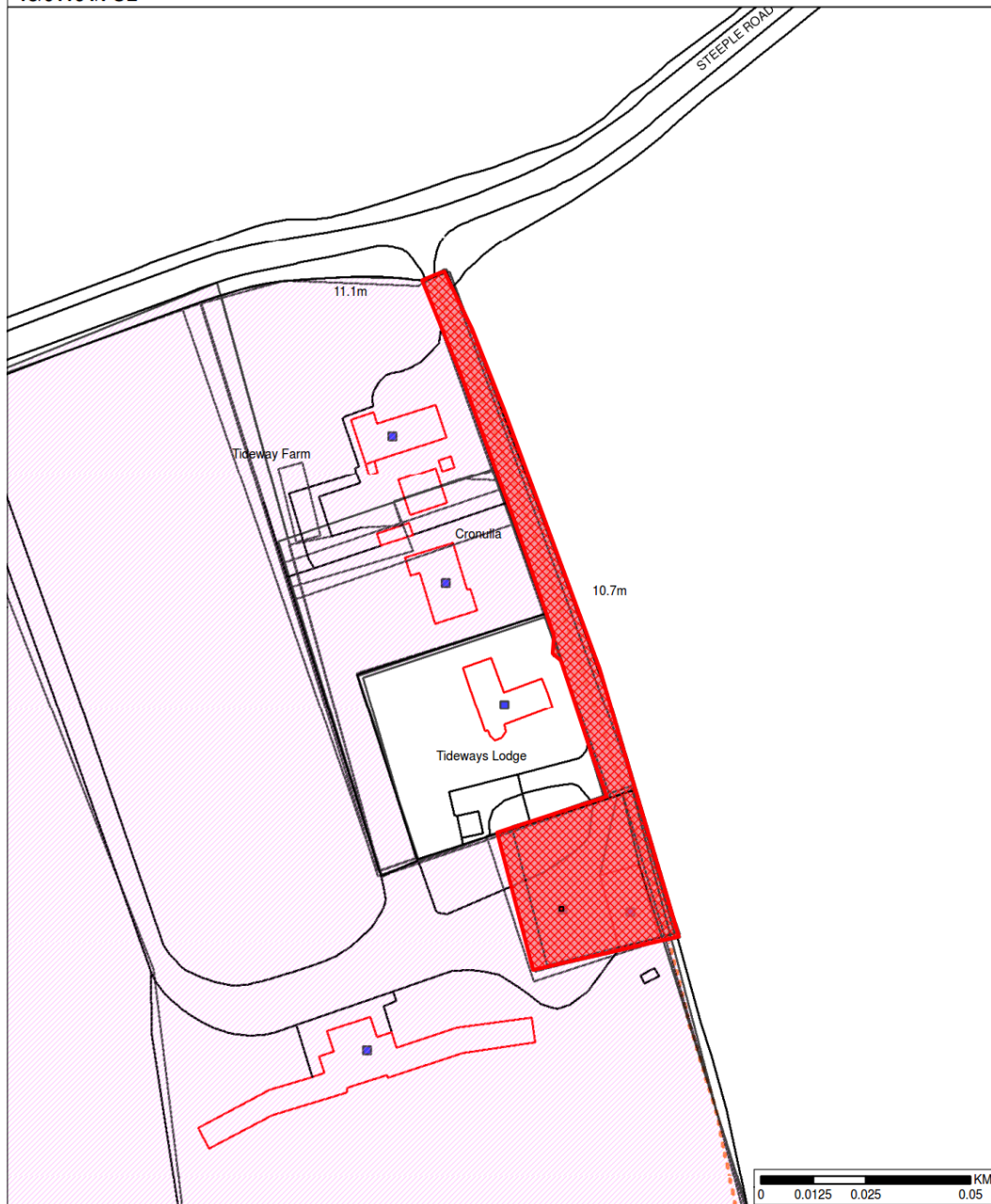
Application Number	FUL/MAL/18/01164
Location	Land Adjacent Tideways Lodge, Steeple Road, Latchingdon, Essex
Proposal	Erection of new dwelling house & removal of existing habitable mobile home
Applicant	Mr & Mrs D Winfield
Agent	Greg Wiffen - Planman
Target Decision Date	03.12.2018
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor B F Acevedo on the ground of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 14/11/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the south of Tideway Farm and Tideway Lodge on the southern side of Steeple Road outside of the development boundary for Latchingdon. The private access road is located to the east of the application site and runs southwards. There is a public footpath which runs along the eastern side of the application site, which follows on towards Althorne. The site currently contains a variety of structures and is used for storage purposes and therefore does not make a positive contribution to the character of the countryside.
- 3.1.2 The private access road is edged by a line of mature trees along the eastern side. Beyond the private access to the east is open countryside characterised by arable agricultural fields with some sporadic dwellings and the settlement of Mayland beyond.
- 3.1.3 To the west of the application site is the Swingfield Golf Centre. The primary vehicular access to the Golf Centre lies approximately 125m to the west of the access to Tideway Farm. Approximately 200m to the west of the application site, towards Latchingdon Village is a cluster of further dwellings located within the open countryside.
- 3.1.4 It is noted that a caravan is located on site which benefits from a lawful development certificate. The Certificate of Lawfulness confirms that the siting of a single unit mobile home for residential use by an employee of the adjacent Golf Centre is lawful. A site plan has been submitted with the application, which was also submitted as part of the application for the lawful development certificate. This plan shows that the mobile home is located within 31m from the eastern boundary and the current application site is 35m long taken from the eastern boundary.

Description of proposal

- 3.1.5 Planning permission is sought for the construction of a new dwelling and the removal of an existing caravan that has a lawful use to provide living accommodation for a staff working at the Golf Centre (allowed on appeal APP/X1545/C/13/2192691).
- 3.1.6 The dwelling would accommodate an open plan kitchen area, dining room and family room, a living room, a utility room, a WC and an integral garage at ground floor and four bedrooms (one with an en-suite) and a bathroom at first floor.
- 3.1.7 A vehicle access onto the private track would be provided at the north east corner of the site. The arrangements of hard and soft landscaping are not formally shown but it is noted that a parking area could be provided to the north of the dwelling and tree planting is indicatively shown at the boundaries of the site. Bin and bike stores are also proposed along the eastern boundary of the site.
- 3.1.8 The proposed dwelling would be of chalet style with two storey gable projections to front and rear. The proposed dwelling would measure 19.1 metres wide, a maximum

of 9.6 metres deep and a maximum of 6.7 metres tall. The dwelling would be positioned 10.2 metres from the front (north) boundary, 14.7 metres from the west boundary, 13.8 metres from the rear (south) boundary and 4.7 metres from the east boundary.

3.1.9 It is noted that the application constitutes a resubmission of three previously refused applications references FUL/MAL/17/00581, FUL/MAL/17/00899 and FUL/MAL/18/00258. The proposal, as submitted, varies to the previously submitted applications. The main differences are set out below:

- The overall design, appearance and internal layout of the dwelling has been altered. The dwelling is mainly of a rectangular shape, opposed to the previously proposed L-shape.
- The depth of the dwelling has been reduced by 1.7 metres, but the width has been increased by 6.3 metres.
- The maximum height of the building has been reduced by 1.2 metres.
- The distance to the eastern boundary has been reduced by 2.3 metres.

3.1.10 It should also be noted that application reference FUL/MAL/17/00899 was presented before Members of the South Eastern Committee on 9th October 2017 and refused by Members as per the Officers' recommendation. The subsequent application FUL/MAL/18/00258 was determined under delegated powers.

3.2 Conclusion

3.2.1 The principle of a new dwelling in this location is contrary to policy S2 of the approved LDP as the site lies within a rural area outside of the settlement boundary as well as S8 of the LDP and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, nature resources and ecological value as well as its intrinsic character. The removal of the existing caravan that has lawful use for a worker's residential accommodation cannot be considered as a fallback position for the erection of a new dwelling, given that the caravan constitutes by definition a mobile structure and thus, the development would not comply with policy H4. Furthermore, the design of the proposed dwelling is considered to be of limited architectural merit and this is considered to exacerbate the impact of the development on the character of the area. For the above stated reasons, the development is considered unacceptable and contrary to the aims of the LDP Policies.

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 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Approved Maldon District Local Development Plan (July 2017):

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The MDLDP has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

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 will apply, inter alia, the following key principles in policy and decision making:*

- 2) Deliver 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*
- 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) Support growth within the environmental limits of the District;*
- 5) Emphasise the importance of high quality design in all developments;*
- 6) Create sustainable communities by retaining and delivering local services and facilities;*

12) Maintain the rural character of the District without compromising the identity of its individual settlements;

13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”.

- 5.1.3 The site is outside the settlement boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the abovementioned approved policies.
- 5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2, as these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area”.*
- 5.1.5 Along with policies S1 and S2, Policy S8 of the approved MDLDP seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and 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 when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.6 The application site is outside of a defined settlement boundary, being well separated from the village of Mayland by areas of countryside. In addition, the site is in a location that is remote from the nearest settlement infrastructure and related services. The application site lies approximately 700m to the west of the development boundary for Mayland and approximately 2.2km from the development boundary of Latchingdon. The site is not well served by bus or other transport facilities therefore the proposed development would be highly dependent on the use of the car as the main form of transport to and from the site. All facility services required for day to day living are not located within walking distance from the site. There is a footpath which links the site to the village of Althorne to the south. However, Steeple Road which connects the site with Mayland and Latchingdon, is a fast, unlit, unrestricted road, with no footpaths to either side. A similar view was also expressed by the Inspector assessing an application for the conversion of the Golf Centre to residential dwellings, which is adjacent to the application site. In particular the Inspector concluded that *“I therefore consider that the majority of journeys to and from the site would still be made by car. Despite the fact that Maldon is a rural district and many trips will inevitably be undertaken by car as there is limited scope to promote sustainable modes of transport in line with paragraph 108 of the revised Framework, this would fail to meet the Council’s aims to minimise the need to travel by car”.*
- 5.1.7 In respect of this, paragraph 110 of the NPPF sets out that *‘applications for developments should a) give priority to pedestrian and cycle movements ... and second – so far as possible – to facilitating access to high quality public transport’.* This is reflected in policy T2 of the LDP which relates directly to accessibility, by requiring all new development proposals to *‘provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate’.* The proposal would not comply with this requirement. These

poor sustainability credentials were forming part of the reason to refuse the previous applications for the erection of a dwelling at the application site. Given that these requirements still cannot be fulfilled, this part of the refusal reason has not been overcome.

- 5.1.8 Part of the application relates to the removal of a caravan, which is claimed to be sited on site. This caravan has a lawful use as residential worker's accommodation, which was allowed on appeal on 09.01.2014 (Application reference LDE/MAL/12/00108 and appeal reference APP/C/X1545/C/13/2192691). Within the application submitted Design and Access Statement, it is that due to the fact that the caravan benefits from a lawful development certificate for residential use, it is classified as a dwelling. It should be noted that the applicant relies on the Council Tax definition. However, the Certificate of Lawfulness allowed the siting of a mobile home for residential purposes, which by definition relates to a mobile rather than a permanent structure.
- 5.1.9 Policy H4 of the approved LDP states that planning permission for the replacement of an existing dwelling with a new dwelling, will only be granted if *inter alia* (2) the original dwelling is not a temporary or mobile structure. By definition “ ‘caravan’ means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.” (section 29(1) of the Caravan Sites and Development Act 1960). For that reason, although the caravan may benefit from permanent permission, it still constitutes a structure of movable nature. On that basis, it is considered that the removal of the caravan cannot fall under the parameters of policy H4 in relation to replacement dwellings. In any event, as will be discussed below, the proposed dwelling would have a much greater visual impact than the existing accommodation.
- 5.1.10 It is also important to note that the certificate of lawfulness was allowed for the siting of a mobile home to provide living accommodation for staff working at the Golf Centre. Not only is the Golf Centre not contained within the application site, in order for the erection of the dwelling to be linked to the use of the Centre, but also the driving range is no longer in use and that was accepted as part of application FUL/MAL/17/00902, which proposed to convert the building to five dwellings. That application was refused and an appeal was dismissed. As a result, the existing lawful use of the mobile home cannot carry weight or be considered to set a precedent for the erection of a dwellinghouse at this location.
- 5.1.11 Within the submitted Design and Access Statement reference is made to the partial use of the application site for storage purposes. Although a dilapidated metal structure, some materials and equipment that appear to be used in connection with agricultural uses were on site at the time of the site visit, the site is not considered to constitute land of formal employment nature and thus, policy E1 of the approved LDP would be irrelevant to the proposed development.
- 5.1.12 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (October 2018), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 20% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 5.54 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its

housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.1.13 In light of the above assessment it is considered that the development would be in conflict with the policies of the development plan and the guidance contained in the revised NPPF.

5.1.14 Other material planning consideration including the impact of the development on the character of the area and the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

5.2 Housing Mix

5.2.1 The proposal would provide one four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the 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, and around 71% of all owner occupied properties having three or more bedrooms.

5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a four bedroom dwelling would not contribute towards the identified need from smaller houses.

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. 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 any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 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.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The application site lies outside the defined settlement boundaries. 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 The application site is located within a rural context. The site is located away from the main settlement areas of this part of the Maldon District and where the character is that of a countryside appearance.
- 5.3.7 The application site is neighboured to the north by residential dwellings. Whilst the scale of the proposed dwelling is considered to be proportionate to the plot size, the proposed dwelling would result in an introduction of addition built form to a countryside location and would result in the domestication of the character and appearance of the application site to the detriment of the countryside in which it is seen within. It is noted that the site currently makes a neutral contribution to the character of the countryside due to the presence of structures of limited architectural merit and the use of the site for storage purposes. However, these structures are well established, low in height and not unusual in a countryside setting. As the storage appears to be ancillary to the use of the surrounding land, it is a reasonable possibility that the storage will be relocated to other land within the applicant's control and therefore ceasing storage within the site might not result in the end of storage occurring within this open part of the countryside and the weight afforded to that benefit of the proposal should be reduced accordingly. The proposed dwelling would be taller and bulkier than the existing buildings at the site and, due to the domestic appearance of the building, would have a greater visual impact on the character and openness of the countryside. When determining the appeal at the adjoining site (the Golf Centre), the Inspector considered that the introduction of domestic paraphernalia such as fencing and sheds into an otherwise rural and relatively open location would have a detrimental effect on the wider landscape and the countryside. Similar

residential paraphernalia would be likely to be installed as part of the proposed development and this would be equally harmful to the character of the area.

- 5.3.8 With regard to design and appearance of the dwelling, as currently proposed, it is considered that by reason of the several roof forms, their poor links, the introduction of fenestration of varying configuration and size, the misaligned eaves heights and the lack of symmetry and architectural interest, the development would appear convoluted, unattractive and of limited architectural merit. This would further exacerbate the adverse impact of the development would have on the countryside and its intrinsic character and appearance, contrary to LDP policies S1, S8 and D1 and the policies contained within the NPPF.
- 5.3.9 Although the current application is different in terms of design and size to the previously refused applications FUL/MAL/17/00581, FUL/MAL/17/00899 and FUL/MAL/18/00258, it is considered that the previous reasons for refusal have not been addressed or overcome by the current submission, which given the amended design and appearance of the dwelling, is considered to result in a greater harm to the appearance of the area. Therefore, the development, for the reasons stated above, is considered to have an unacceptable impact on the character and appearance of the countryside, within which is contained.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 The application site has one adjacent neighbouring property ‘Tideway Lodge’ located to the north of the site.
- 5.4.3 In terms of loss of light, there are no concerns raised, given the minimum distance of at least 10 metres between the proposed dwelling and the south boundary of the curtilage of Tideway Lodge. The dwelling at that property is located approximately 20 metres from the shared boundary and therefore the distance between the proposed dwelling and its neighbour to the north would be approximately 30 metres.
- 5.4.4 The proposed fenestration is not considered to result in overlooking to the detriment of the neighbouring occupiers. The windows located at ground floor level are not considered to result in overlooking given the distance from the neighbouring dwellings. There are dormer windows proposed in the front, rear and side roof slopes, however, given the distance of the proposed windows from the neighbouring dwelling it is not considered that they would result in significant overlooking to the detriment of the neighbouring occupiers.
- 5.4.5 Therefore, it is not considered that the dwelling would form an overbearing addition to the detriment of the neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contain 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.
- 5.5.3 The parking provision would be a shingle area to the front of the property; it is considered that this area is large enough to accommodate in excess of three car parking spaces, in accordance with policy T2 and the Maldon District Vehicle Parking Standards SPD.
- 5.5.4 The site has an existing access which is considered to be acceptable in terms of providing a safe and adequate access to vehicles.
- 5.5.5 The Highways Authority has been consulted and raised no objection to the proposed development, subject to the public rights of way and in particular footpath number 5 are maintained free and unobstructed at all times. Should permission be recommended, this would have been dealt with by condition.
- 5.5.6 A cycle store has been shown to be provided on site. Should permission be recommended, a condition to agree the details of secure and covered cycle parking would have been imposed.

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 three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.6.2 The proposed dwelling would be located to the front (north) of the plot and provides an area of private amenity space to the rear and of the proposed dwelling. The rear garden would be in excess of the standard contained within the Essex Design Guide of 100m².

5.6.3 The arrangements of hard and soft landscaping are not formally shown but it is noted that tree planting is indicatively shown at the boundaries of the site. Should permission be recommended, the details of the soft landscaping to soften the appearance of the dwelling would have been agreed by condition.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

5.7.1 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.

5.7.2 Natural England anticipate that, in the context of the local planning authority's duty as a 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 sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), 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.

5.7.3 Prior to the 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.

5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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.

5.7.5 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 does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (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.

- 5.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, 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**

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**.

5.7.7 Summary of Appropriate Assessment

As a competent authority, the Local Planning Authority (LPA) 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, in the form of a financial contribution, is necessary, in this case.

5.7.8 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.

5.8 Other matters

Drainage System

- 5.8.1 No details of a drainage scheme have been submitted for both foul and surface water and thus, full details would be required to be submitted and approved in writing by the LPA, to avoid the risk of water flooding and pollution.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00581** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies H1 and S2 of the adopted Maldon District Replacement Local Plan and policies S1 and S8 of the emerging Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policies BE1 and H1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **FUL/MAL/17/00899** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **FUL/MAL/18/00258** - New dwelling house. Planning permission refused for the following reason: 01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide SPD would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.
- **LDE/MAL/12/00108** - Claim for Certificate of Lawfulness: Single mobile home used as residential accommodation for staff. Certificate of Lawfulness allowed on appeal.
(Wider area)

- **FUL/MAL/15/00545** - Siting of mobile home for use as granny annex. Planning permission granted.
- **FUL/MAL/16/00043** - New dwelling on land between Tideway Farm & Tideway Lodge. Planning permission granted.
- **FUL/MAL/17/00902** - Change of use of Golf Centre Building (Class D2) to five dwellings (Class C3) with associated amenity space and off-street parking, infill south elevation and alter external elevation. Application dismissed on appeal.
- **FUL/MAL/18/00333** - Construction of two bungalows. Application approved, due to the special circumstances of the application site which constitutes a redundant brownfield site and taking into consideration that planning permission was previously approved for an identical proposal.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response received.	

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objection, subject to the public rights of way (footpath 5) are maintained free and unobstructed at all times.	Comment noted.

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Conditions about contamination, surface and foul water drainage shall be applied.	Comments noted.

7.4 **Representations received from Interested Parties**

7.4.1 No letters were received objecting to/supporting the application

8. REASON FOR REFUSAL

- 1 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide SPD would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.