



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**10 JUNE 2019**

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<b>Application Number</b>	<b>FUL/MAL/19/00466</b>
<b>Location</b>	Land East Of Pine Lodge, Junction Road, Cold Norton ,Essex
<b>Proposal</b>	Conversion of workshop to three bedroom dwelling.
<b>Applicant</b>	Mr F Buschweiler
<b>Agent</b>	Mr Mark Jackson - Mark Jackson Planning
<b>Target Decision Date</b>	18.06.19
<b>Case Officer</b>	Hannah Bowles / Ian Harrison
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in BY: Councillor Miss S White Reason: Public Interest

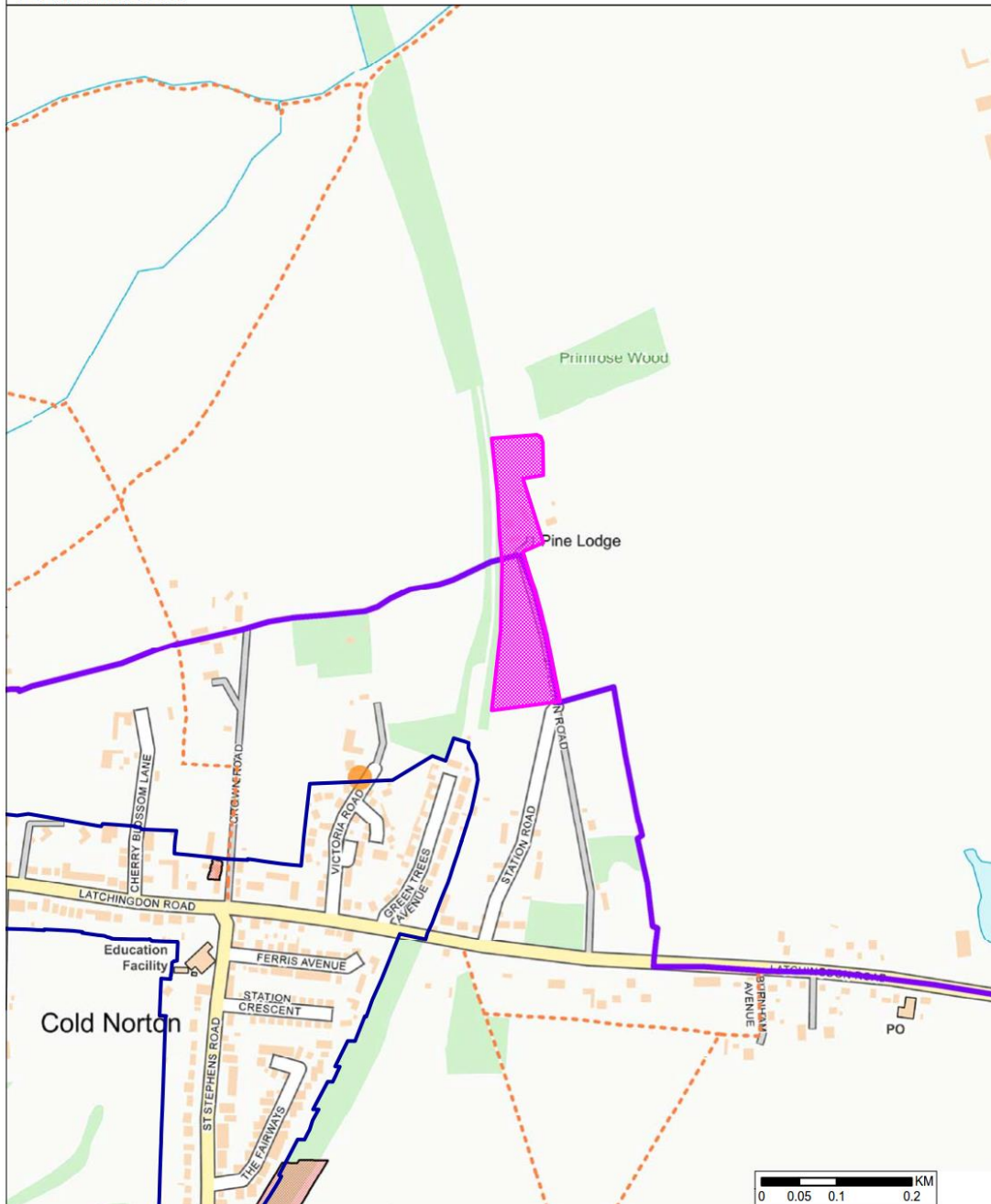
**1. RECOMMENDATION**


**REFUSE** subject to the reasons as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Land East Of Pine Lodge, Junction Road, Cold Norton**  
**FUL/MAL/19/00466**



<p><b>Copyright</b></p> <p>For reference purposes only.          No further copies may be made.          This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.          Maldon District Council 100018588 2014</p> <p>          MALDON DISTRICT COUNCIL</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	<p>Scale: 1:7,000</p>
	<p>Organisation: Maldon District Council</p>
	<p>Department: Department</p>
	<p>Comments: C Committee 19/00466/FUL</p>
	<p>Date: 29/05/2019</p>
<p>MSA Number: 100018588</p>	

### **3. SUMMARY**

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

##### **3.1.1 Application Site and Relevant History of the Applicant's Land**

3.1.1.1 The application site is located to the north of Junction Road to the north of and outside the settlement boundary of Cold Norton. The site measures 76.4 metres deep and 19.5 metres wide and 1500 square metres in area.

3.1.1.2 The site contains a single storey building that measures 23.5 metres by 7.9 with a pitched roof built to a ridge height of 5.15 metres. The building features large doors to each end but no other openings. The applicant states that the building was used for purposes of storage and an office related to an antique business, but has been used for the storage of cars and welding more recently.

3.1.1.3 The site is part of a wider land holding of approximately 2 hectares that includes Pine Lodge and land to the south that is shown on the plan included within this report. The submitted plans show that Pine Lodge itself consists of three buildings with the remainder of the buildings falling within the application site, thereby becoming a distinctly separate planning unit.

3.1.1.4 Land to the south of the application site, within the applicant's ownership was the subject of application OUT/MAL/17/01129 which sought permission for two bungalows. That application was refused and dismissed at appeal. The reasons for refusal were:

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 within the National Planning Policy Framework and to policies S1 and S8 of the Maldon District Local Development Plan. The poor sustainability credentials of the site 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.*
2. *The provision of two dwellings on this site and associated works, outside the defined settlement boundary of Cold Norton would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site and be likely to cause a loss of landscaping that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.*

### 3.1.1.5 Within the appeal decision the Inspector made the following key points:

- *“Junction Road leads from Latchingdon Road (which provides the main throughfare for Cold Norton) to the site. Along this road there are detached residential properties at the end closer to Latchingdon Road changing to open fields and hedgerows closer to the appeal site. The site can also be accessed from Station Road, which has a similar pattern of development.”*
- *“Cold Norton has a number of services and facilities including a pub, village hall and school and is served by buses. While access from the property to these services is partly along an unmade, unlit roadway these day-to-day facilities are sufficiently close to be usable by future occupiers.”*
- *“The proposed dwellings would also be located with two other residential properties – Pine Lodge and Last Resort. I have had regard to the recent High Court judgement regarding paragraph 55 of the 2012 Framework. Paragraph 79 of the revised Framework broadly captures the intent of paragraph 55 and continues to seek to avoid the development of isolated homes in the countryside. Therefore for the purposes of this appeal, this judgement remains relevant. This physical location would not result in new isolated homes in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 79 of the Framework.”*
- *“In summary, I find that there are sufficient services and facilities which would be within a suitable proximity of the proposed dwellings.”*
- *“Turning to the effect of the proposed development on the character and appearance of the area, the appeal site lies beyond the extent of residential curtilages which link to Cold Norton village. The change in landscape along both Station Road and Junction Road (from residential properties to rural fields and hedgerows) provides physical separation from the village and lends support to my view that this site forms part of the countryside.”*
- *Residential development in this location would bring a domesticated, urbanised form to this site, attributable to the introduction of built form, access routes, parking and likely domestic paraphernalia. In combination, this would undermine the open nature of the land resulting in harm to the intrinsic character and beauty of this site.*
- *In conclusion, whilst the site would be suitably accessible to services and facilities, this does not outweigh the harm identified above in relation to the character and appearance of the area. In this respect, the appeal would be contrary to Policies S1 (Sustainable Development), S8 (Settlement boundaries and the Countryside), D1 (Design Quality and Built Environment), H4 (Effective Use of Land) of the Local Plan, and policies in the Framework.*

### 3.1.2 The Proposal

#### 3.1.2.1 The application seeks planning permission for the conversion of the existing building.

The building would not be extended but the external elevations would be altered to feature a 3 metre wide glazed opening on the south elevation, 3.8 metre wide bi-fold doors on the north elevation, a door and five windows on the east elevation and a doors with glazed side panels and three windows to the west elevation.

#### 3.1.2.2 The application form states that the existing blockwork walls would be clad with black, timber feather edge boarding and the corrugated fibre cement sheets that comprise the roof would be replaced with tiles.

- 3.1.2.3 The dwelling would feature three bedrooms and a study that could readily be used as a bedroom and should therefore be considered as a four-bedroom dwelling.
- 3.1.2.4 The proposed dwelling would be served by a parking area to the south of the building which would be accessed from Junction Road. The submitted plans show that two parking spaces would be provided, but there would be a turning area in which additional parking could be provided.
- 3.1.2.5 The submitted plans also show that an existing outbuilding at the north of the site would be removed. This measures approximately 47 square metres and consists of a shed/garage.

## **3.2 Conclusion**

- 3.2.1 The proposed development, consisting of the conversion of an existing building to a dwelling and associated works, outside the defined settlement boundary of Cold Norton, would cause the intensified domestication of the existing building and the application site in a manner that would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (LDP) and guidance contained in the National Planning Policy Framework (NPPF) and the Maldon District Design Guide (MDDG) (2017).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 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
- 77-79 Rural Housing
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment

- D2 Climate Change and Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF) (2018)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (2017) (MDDG)
- Vehicle Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 The site is located within the rural area outside the development boundary of Cold Norton and approved policies S1 and S8 of the LDP provide the strategic position for the future growth and direction of travel of the built environment for the Maldon District. The approved plan and specifically the strategic policies seek to deliver residential growth whilst contributing to protecting and enhancing the District's natural, built and historic environment.
- 5.1.3 Policy S8 states 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 it is for...."* one of thirteen defined purposes. Open market residential dwellings are not included within that list and as such the proposal is contrary to policy S8.
- 5.1.4 The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental roles. This requirement is also included in local plan policies including policy S1 of the approved LDP which emphasises the need for sustainable development.
- 5.1.5 As set out at paragraph 3.1.1.5 above the Planning Inspector deemed that the land to the south of the application site was in sufficiently close proximity of the services and facilities of Cold Norton to be considered to be a suitable location for residential

development in terms of accessibility. Although further to the north and therefore further from the settlement, it is considered that the same conclusion should be reached in respect of accessibility. Whilst this appeal decision is of relevance in this respect, it should be of comparable weight in respect of the issue of the impact on the character and appearance of the area which will be discussed below.

- 5.1.6 Paragraph 79 of the NPPF states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless.... the development would re-use redundant or disused buildings and enhance its immediate setting.”* It is noted that the Planning Inspector for the application on land to the south of the site found that the location was not an isolated location for residential development and therefore did not conflict with paragraph 79, but this in itself did not give grounds to support the visual impact of that proposal.
- 5.1.7 There are no policies within the LDP that provide grounds to support the conversion of an existing building outside of the District’s settlement boundaries to a residential dwelling and as the abovementioned section of the NPPF is not applicable, it is considered that the same is true of the NPPF. In this regard it is noted that the content of policy E4 is not applicable to this case as the proposal would not accord with any of the criteria and it is noted that this policy is in the employment chapter of the LDP and as such is not intended to represent any form of support for housing development.
- 5.1.8 It is noted that paragraph 79 of the NPPF encourages the “subdivision of an existing residential dwelling.” However this is not considered to be applicable to this case as the building to be converted is a separate building and the applicant makes it clear within their submissions that it has been used for commercial purposes in its past, thereby presumably not forming part of the residential use, albeit appearing to be within the grounds of the dwelling.
- 5.1.9 In this case, due to the detrimental visual impact of development in this area and the demonstrable harm to the character and appearance of the site, and the wider rural area that will be discussed below, it is considered that the proposal does not meet the definition of sustainability as contained within the Framework.

## **5.2 Housing Need**

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2, a greater proportion of smaller units to meet the identified needs and demands for such housing. The NPPF is clear that housing should be provided to meet an identified need as set out in Chapter 5.
- 5.2.2 The development proposed by this application consists of a single larger dwelling and it therefore makes a minimal contribution to the housing stock of the District in terms of quantity and in terms of meeting the social needs of the District. The contribution the proposal makes towards the housing stock of the District should therefore be given minimal weight.

### 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:
- 5.3.3 *“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”.*
- 5.3.4 *“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”.*
- 5.3.5 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:-
- Architectural style, use of materials, detailed design features and construction methods;
  - Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - Layout, orientation, and density;
  - Historic environment particularly in relation to designated and non-designated heritage assets;
  - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - Energy and resource efficiency.
- 5.3.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.7 The application site lies outside of any defined development boundary. 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.

- 5.3.8 The building that is proposed to be used as a dwelling is an existing building and as such the proposal would have no additional impact on the countryside in terms of the massing of built form at the site or the openness of the countryside and no objections are therefore raised to the proposal in that regard.
- 5.3.9 However, it is clear from the appeal decision that is discussed at paragraph 3.1.1.5 that weight should be afforded to the importance of protecting the rural character of the area. In this regard it is considered that the small scale, functional and simple appearance of the building enables the building to appear as a subordinate outbuilding. Whilst the applicant's suggestion that the building has been used for small-scale commercial purposes is noted, it is considered that the building currently appears as a low-key building that is in-keeping with the rural character of the site and the domestic setting of the host dwelling. Due to its scale, position and character, it has a minor impact on the rural setting and appears as a low-key intrusion into the countryside that is not uncommon of sites in such a context.
- 5.3.10 Conversely the proposed development would result in the domestication of the building as windows and doors would be introduced which would give the building an entirely different character and result in the building having a materially different impact on the character and appearance of the site and the countryside.
- 5.3.11 Whilst the use of timber boarding and tiles is considered to be appropriate for a rural building, it is considered that this does not mitigate the alterations to the character of the building that would arise through the obvious works of domestication that are discussed above.
- 5.3.12 Furthermore, the inherent nature of intensified residential use, with additional domestic parking, boundary treatments and the traditional appurtenances of residential living, would detract from the character and rural tranquillity of the site and its immediate surroundings. It is noted that these features are already a characteristic of the site due to the connectivity of the site with the host dwelling, but the impact would be intensified as a result of the proposed development in a manner that would materially harm the character and appearance of the site and the area. This is consistent with the appeal decision that is discussed at paragraph 3.1.1.5 and whilst it is noted that the circumstances are not identical as the building is existing and only one dwelling would be created rather than two, it is considered that the harm will be similar and the intensification of the domestication and urbanisation of the site would still occur in the manner that is considered to be unacceptable by the Planning Inspector.
- 5.3.13 Notwithstanding the very recent changes within the recently published Framework, and its overarching support for new housing, it still states at paragraph 127 that planning decision should ensure that development a) adds to the overall quality of the area, b) is visually attractive with appropriate and effective landscaping and c) is sympathetic to local character and landscape setting. It is considered that this proposal would not achieve this and, notwithstanding the comments of the applicant, it is considered that the proposal would not enhance the setting of the site.
- 5.3.14 As set out above, it is considered that the proposed development would have a detrimental impact on the rural character of the site and the surrounding area through

the intensification of the residential use of the site. Therefore, it is concluded that the proposed development would visually and adversely harm the character of the rural locality, thus causing material harm to the rural qualities of the surroundings, contrary to Local Plan Policies S1, S8, D1 and H4 and the guidance and provision as contained within the Framework.

#### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has two adjacent neighbouring properties; Pine Lodge to the west and Last Resort to the east.
- 5.4.3 The building at the site is existing and therefore the conversion of the building would have no greater impacts on the neighbouring properties in terms of loss of light or outlook than the existing building. Furthermore, the additional windows would be at ground floor level, 3 metres from the west boundary of the site and 8.9 metres from the east boundary of the site and would therefore not cause a loss of privacy within either neighbouring property.
- 5.4.4 The use of the building for residential purposes would be consistent with the use of both neighbouring sites and would therefore not cause additional disturbance to an extent that would justify the refusal of the application on those grounds.

#### **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 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.

- 5.5.3 The dwelling (which is to be considered as a four-bedroom dwelling as discussed at paragraph 3.1.2.3 above) should be served by a minimum of three parking spaces. Two parking spaces are shown and there is scope to park additional cars within the turning area that is shown on the submitted plans. The proposed level of car parking is therefore considered to be acceptable.
- 5.5.4 Essex Highway Authority has been consulted on the application in terms of highway safety. No response has been received at this time. Any response can be highlighted to Members of the North West Area Planning Committee through a Members' Update. Notwithstanding the above, in the circumstances, it is considered that an objection to the scheme is unlikely to be raised.
- 5.5.5 On this basis it is considered that the scheme accords with the criteria of approved policy T2 of the LDP.

## **5.6 Provision of 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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.6.2 The proposed amenity space to serve the dwelling would be in excess of the recommended standard.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network. Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.3 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. 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.

- 5.7.4 Natural England have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.5 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.
- 5.7.6 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’.
- 5.7.7 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 has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.8 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 and has currently been set at £122.30 per dwelling.
- 5.7.9 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

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, in the form of a financial contribution, is necessary, in this case.

- 5.7.10 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.
- 5.7.11 In terms of site specific ecological interests, it is considered that the existing buildings at the site are unlikely to host protected species due to their condition and their existing usage. However, protected species are protected under the terms of other legislation and therefore, if it should transpire that the existing building is of ecological value, there will still be a means of ensuring that protected species are not harmed by development. Therefore no objection is raised in relation to the proposal on those grounds.

## **5.8 Other Considerations**

- 5.8.1 The Council's Environmental Health Service has not raised an objection to the scheme but has recommended appropriate conditions relating to surface water drainage, foul drainage and the process for mitigation of land contamination should it be found during construction. The foul drainage and contamination conditions are considered to be reasonable. However, the surface water drainage condition is considered to be unduly onerous as the building is an existing building and the provision of hardstanding (which could be required to be permeable through the imposition of a condition) would be off-set by the removal of an outbuilding as shown on the plans. Therefore, this suggested condition is considered to be unnecessary and unreasonable and therefore should not be imposed.
- 5.8.2 It is noted that the applicant has stated that the dwelling is proposed to enable their family member to live in close proximity. Consistent with the appeal decision in relation to the proposal for two bungalows to the south of the site it is considered that *"the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed*

*development would remain after the current personal circumstances change. For these reasons, the weight I give to the appellant's personal circumstances is limited and I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan, and the Framework."*

## 6. ANY RELEVANT SITE HISTORY

The application site itself is the subject of no Planning History, but the following applications on land shown to be owned by the applicant are considered to be relevant:

- **OUT/MAL/17/01129** - Erection of two bungalows - Refused: 12.01.2017 and Dismissed at Appeal
- **FUL/MAL/19/00523** - Erection of tractor/hay barn and stables – Pending Consideration.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object The proposed development lies beyond defined settlement boundaries and is therefore contrary to Policies S1 and S8 of the Maldon District Approved Local Development Plan 2014-2029 which seek to provide control over new buildings in rural areas outside the development boundary and to ensure that new residential developments are directed to appropriate and sustainable locations.	Noted and addressed within the report.
Cold Norton Parish Council	No Comment	N/A

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No response received at the time of writing.	If a response is received Officers will update the Committee.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection Subject to conditions for foul and surface water drainage and land contamination	Noted and addressed within the report.

### 7.4 Representations received from Interested Parties

7.4.1 None

## 8. REASON FOR REFUSAL

1. The proposed development, consisting of the conversion of an existing building to a dwelling and associated works, outside the defined settlement boundary of Cold Norton would cause the intensified domestication of the existing building and the application site in a manner that would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).