



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
8 JUNE 2020**

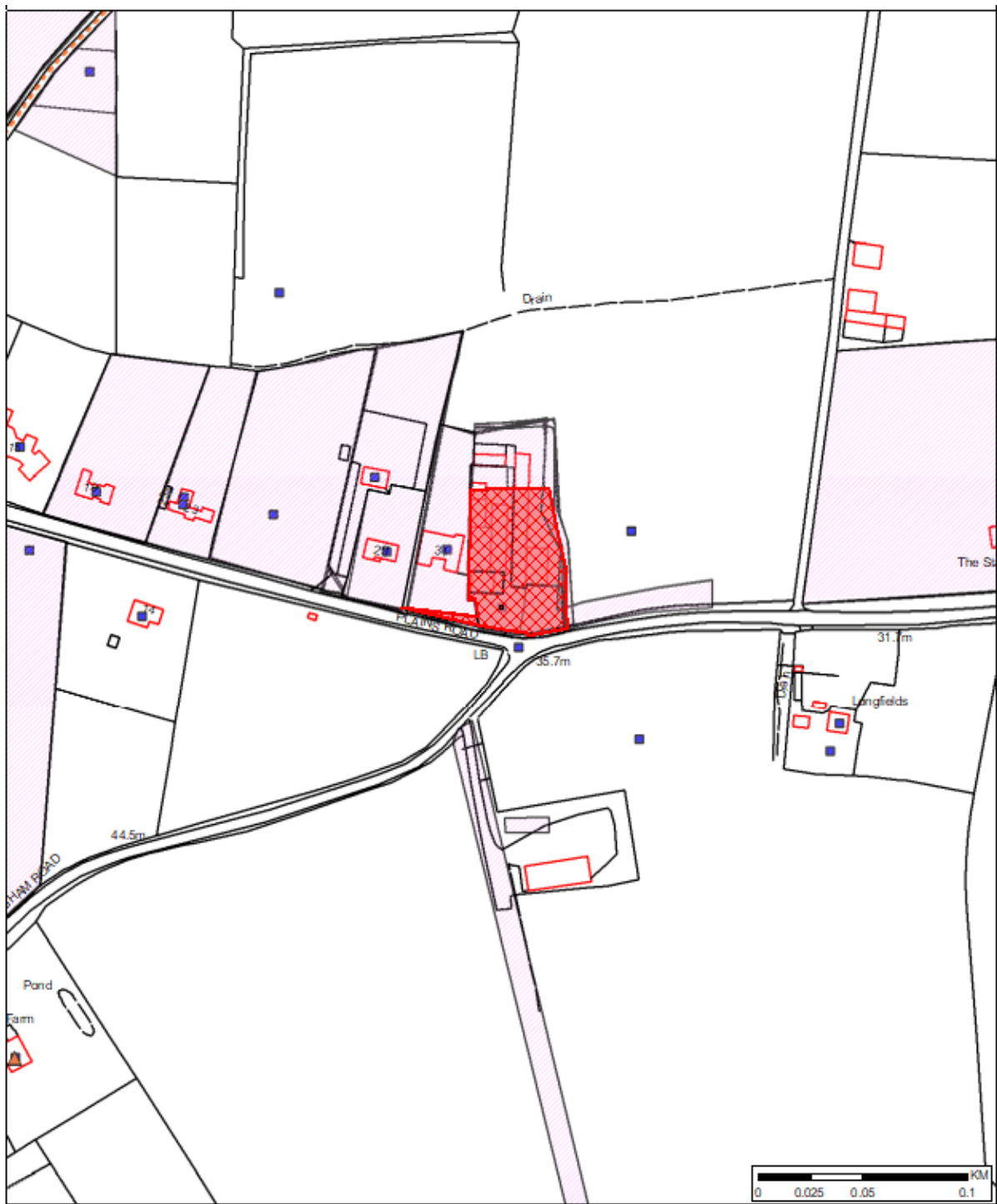
<b>Application Number</b>	<b>20/00062/FUL</b>
<b>Location</b>	Agricultural Barns Adjacent 31 Plains Road Great Totham
<b>Proposal</b>	Demolition of existing outbuildings and construction of 2No. detached residential dwellings with associated landscaping and vehicle parking.
<b>Applicant</b>	Mr Hubble
<b>Agent</b>	Paul Calder - Real8 Group
<b>Target Decision Date</b>	03.04.2020 EOT 01.06.2020
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor Siddall Reason: S8 - the settlement boundary and the countryside The re-use of a redundant or disused building that would lead to an enhancement to the immediate setting.

**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 on the northern side of Plains Road outside of the defined settlement boundary of Great Totham. The site (as outlined in red and blue) is currently occupied by a group of dilapidated agricultural barns which are lawfully within a B8 use. A new vehicular access to the site, approved under reference 18/00748/FUL has recently been constructed.
- 3.1.2 The surrounding area is rural in nature. Whilst there is sporadic residential development located along this stretch of Plains Road, it is mainly characterised by soft landscaping and large sections of undeveloped countryside. The application site is surrounded by open countryside to the north, east and south of the site, with the residential dwelling No. 31 located to the west.
- 3.1.3 Planning permission is sought for the removal of the former agricultural buildings from the site and their replacement with two five bedroomed chalet style dwellings with rooms within the roof space. The site would be divided into two plots with a shared access point, driveway and turning area to the front of the dwellings and private amenity areas would be located to the rear of the dwellings.
- 3.1.4 The dwelling proposed to occupy plot 1 (western side of the site) would measure a maximum of 16.4m wide, 15.05m deep and 6.94m to the ridge, finished with a hipped roof form. The dwelling would feature a single storey rear projection, four dormer windows and six roof lights. The dwelling would provide an entrance hall, WC, boot room, lounge and dining room, study, kitchen, utility room, pantry and an attached double garage at ground floor level and five bedrooms, one with an en-suite and a family bathroom at first floor level.
- 3.1.5 The dwelling proposed to occupy plot 2 (eastern side of the site) would measure a maximum of 17.03m wide, 13.2m deep and 7.3m to the ridge, finished with a hipped roof form. The dwelling would feature five dormer windows and two roof lights. The dwelling would provide an entrance hall, WC, kitchen/living/dining area, a lounge area, study/games room and attached double garage at ground floor level and five bedrooms, three with en-suites and a family bathroom at first floor level.

#### **3.2 Conclusion**

- 3.2.1 The proposed development would result in the removal of former agricultural buildings, which are reflective of the rural area, in favour of two residential dwellings. The application site is remote from community support facilities and would facilitate unsustainable transport patterns. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in a string of prominent residential dwellings and a dense form of development; contrary to the existing grain of development along this stretch of Plains Road. The proposed dwelling would harm the character and appearance of the rural area contrary to policies S1, S8, T1 and D1 of the Maldon District Local Development Plan (MDLDP) and planning principles and guidance contained in the National Planning Policy Framework (NPPF).

#### **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
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 102 – 111 Promoting sustainable transport
- 117 – 123 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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

- Maldon District Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide SPD (MDDG)
- Planning Practice Guidance (PPG)

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its Local 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 Planning permission is sought for two new dwellings outside of the settlement boundary of Great Totham.

5.1.3 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. This is a material consideration and means that any application for new development must be

determined in accordance with the development plan unless material considerations indicate otherwise.

- 5.1.4 In relation to the above, the site is located in the countryside where policies of restraint apply. Policy S8 seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states 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 the development is for one of the development types listed within that policy. The proposed residential dwellings would not fall within any of the categories listed within policy S8. Therefore, the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.
- 5.1.5 There are three dimensions to sustainable development as defined in the National Planning Policy Framework. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the Local Development Plan (LDP) which emphasises the need for sustainable development.
- 5.1.6 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be extremely limited given the scale of the proposal of two dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses, the economic benefits of the proposal are therefore considered minor. Due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.7 In social terms; Great Totham is described as a larger village, within the MDLDP; larger villages are described as *'Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.'*
- 5.1.8 The site is located around 350m from the settlement boundary of Great Totham North, which has a limited range of facilities and services which include a florist and a public house. The site is around 2000m from Great Totham South, which has a wider range of facilities and services. In terms of accessibility, the site is not well served by public transport connections, with the closest bus stop being around 0.7 miles from the site, within the settlement of Great Totham North. Further, there is no lighting or footpaths along this stretch of Plains Road. Whilst there are intermittent grass verges there are long stretches of road where they are too narrow to walk on. The site is remote from all shops, services and facilities and employment and education opportunities which would result in the future occupiers being dependent on motorised transport. As such the sites accessibility does not weigh in favour of the proposed development and is contrary to the guidance contained within the NPPF and policies S1, S8 and T2 of the LDP.
- 5.1.9 The environmental strand of sustainability will be assessed below (section 5.2).

- 5.1.10 Further to the above, the site is previously developed land and it is noted that the NPPF states that that planning policy and decisions should give weight to the value of using suitable brownfield land **within settlements for homes** and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. However, whilst the NPPF encourages the re-use of land, this does not necessarily mean that the re-use can or should be for residential purposes. No evidence has been provided that any other use has been considered and cannot practically be delivered.
- 5.1.11 It is considered that the site could be used for any of the accepted purposes that are set out within policy S8 which would be policy compliant whilst also achieving the re-use of previously developed land. Such uses should be explored before it can be argued that residential use is the only prudent re-use of the site. Therefore, whilst the re-use of the site can be encouraged, it is considered that this does not give grounds to support the erection of open-market residential dwellings at the site, contrary to local and national planning policies.
- 5.1.12 Therefore, whilst the site is brownfield land it is considered that the proposal is contrary to the development plan and the site is not suitably well connected by means of sustainable transport. Therefore, the proposal for the erection of two dwellings is not supported in principle.

## 5.2 Employment

- 5.2.1 The proposed development would result in the loss of an existing employment use (B8) therefore the application will also need to be assessed against policy E1 of the LDP.
- 5.2.2 Policy E1 of the LDP, states that proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:
- 5.2.3 *1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*  
*2) The site would have a greater benefit to the local community if an alternative use were permitted; or*  
*3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*
- 5.2.4 With regard to Policy E1(1), application 17/00547/LDE confirmed that the site had been used for a use falling within use class B8 for 10 years or more. This use occurred for 10 years or more without a complaint being raised from the local residents or members of the public passing by. Therefore, it is not considered that the current use is harming the character or amenity of the surrounding area. Whilst it is noted that the B8 use is unrestricted, the potential of any possible future intensification of the use of the site in terms of harm is not one of the stated exceptions to this policy, particularly as the stipulation states '*The **present** use and*

*activity*'. Therefore, it is not considered that the present use and activity on site significantly harms the character and amenity of the adjacent area. When coming to this conclusion it is also relevant to consider that the lawful use was gained through a lawful development certificate which means that the breach of planning control occurred, uninterrupted or fettered, for a minimum of ten years. The lack of neighbour complaints that would have brought the breach of planning control to the Council's attention evidences that the lawful use does not result in demonstrable harm to any adjoining occupiers.

- 5.2.5 With regard to Policy E1(2) the proposal seeks to demolish the existing buildings and replace them with two five-bedroom dwellings. The residential use is not considered to provide any pertinent benefits to the local community that would weigh heavily in its favor. Within the Loss of Employment Justification Statement submitted by the applicant, it is stated that *'early community engagement with neighbours and local residents demonstrated that the local community would prefer a residential use on this site'*. However, no evidence to back this up has been provided and, notwithstanding, this is not considered to represent a substantial benefit. Therefore, it is considered that a residential development would have a negligible benefit to the local community.
- 5.2.6 With regard to Policy E1(3), the policy clarification at 4.14 states that 'the Council will require proposals causing the loss of existing employment uses or designated employment land to demonstrate that the continuous use of the for employment purposes is no longer viable', and 'evidence will be required to show reasonable and appropriate marketing of the site over a sustained period of time'; the Councils general approach is that 1 year is considered an appropriate length of time for a marketing exercise. The applicant, as an attempt to satisfy this requirement has provided a letter which contains the opinion of one property professional, which, in officers view, fails to satisfy the expectation of a robust marketing exercise as would be required by this criterion.
- 5.2.7 Therefore, given the above it not is considered that the proposed development is in compliance with Policy E1 of LDP.

### **5.3 Housing Need and Supply**

- 5.3.1 The Council has an up-to-date approved LDP that allocates sufficient land to enable the District to meet the housing needs and delivery requirements for the plan period. The housing supply available within the Maldon District currently exceeds five years and therefore there is adequate land available to meet housing supply targets without needing to depart from the LDP.
- 5.3.2 Where housing is approved it is expected that a majority of housing built should be smaller dwellings comprising 1 or 2 bedrooms. Policy H2 (Housing Mix) sets out the Councils identified requirements in this respect to provide a balanced housing stock. The two five-bedroom dwellings hereby proposed would therefore be of negligible benefit in terms of meeting the housing mix needs of the District. Together with the lack of justification for the loss of employment use/land, failure to meet identified housing needs of the district compounds the Council's position that the benefits of residential development at this site do not outweigh the harm that is identified elsewhere within this report.

## 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. The NPPF states that:

5.4.3 *“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”.*

5.4.4 *“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”.*

5.4.5 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.’*

5.4.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.4.7 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.



- 5.4.8 Plains Road is rural in nature characterised by low density development with soft landscaping and large areas of undeveloped countryside with properties located sporadically along the public highway.
- 5.4.9 The proposal would result in the demolition of former agricultural buildings and the erection of two, two storey dwellings. The replacement of the agricultural style buildings with the proposed dwellings would significantly change the character and appearance of the rural site and streetscene. It is considered that the form of the existing buildings add to the rural quality of the countryside, which will be lost and replaced with a residential development. Although the built form on the site would not increase, the inherent nature of domestication which includes upgraded and modern external finishes that are residential in nature, domestic parking, amenity space and the traditional appurtenances of residential living; would detract from the character and rural tranquillity of the site and the surrounding area.
- 5.4.10 The residential development within the vicinity of the application site is low density and can generally be characterised as fairly large dwellings set within spacious plots. No. 31 Plains Road and the neighbouring dwelling to the west are the most prominent dwellings along this stretch of Plains Road and are in contrast to the other residential development within the vicinity as there is only a separation distance of 9.8m between the two existing dwellings. The layout of the proposed dwellings would exacerbate the harm as the arrangement of buildings is inconsistent with the predominant built grain of the area, and as a consequence would result in an intensified urban cluster. The proposed dwelling within plot 1 would be located 3m from the shared boundary with No. 31 and a minimum of 6.5m from the dwelling at No. 31. There would be a separation distance of 5m between the proposed dwellings and a minimum of 1.8m and maximum of 5m between the dwelling within plot 2 and the eastern boundary of the site. Therefore, the proposal would result in a dense form of development and a string of four dwellings, in this rural setting which is in stark contrast to the existing grain of development. This would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural locality.
- 5.4.11 It therefore follows that the proposed development would fail the environmental strand of sustainability

## **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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.5.2 The application site is boarded by one residential dwelling, No. 31 Plains Road which is located to the west of the site. The proposed dwelling within plot 1 would be sited 3m from the shared boundary and 6.5m from the dwelling at 31 Plains Road. There are two ground floor windows and rooflights within the western side elevation of the proposed dwelling within plot 1.

- 5.5.3 Given the separation distance and height of the proposed dwelling, which is similar to that of the neighbouring dwelling at No. 31, it is not considered that the proposed development would result in domination or a loss of light to the detriment of the neighbouring occupiers. Further, given the absence of the second floor windows, it is not considered that the proposal would result in overlooking.
- 5.5.4 The dwelling situated within plot 2 is located on the eastern side of the site and therefore, would not result in a detrimental impact to the occupiers of No. 31 Plains Road. There are no other residential dwellings within the surrounding area that would be impacted by the development.

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

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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 The recommended off-street parking standard for a four or more-bedroom dwelling is a minimum of three off street car parking spaces. A double garage is proposed to serve each dwelling and a further two spaces could be accommodated to the front of the double garages. Therefore, no concerns in respect of car parking provision are raised.
- 5.6.4 The access to the site is existing. Therefore, it is not considered likely that an objection in terms of access or highway safety will be raised. The Highway Authority has been consulted but a response has not been received at the time of writing this report. An update will be provided via the members update if a response is received.

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

- 5.7.1 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 advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 The proposed private amenity areas are located to the rear of each dwelling and would exceed the recommended standard of 100m<sup>2</sup> in accordance with the policy requirement contained within Policy D1 and the MDDG. Therefore, no concerns in this respect are raised.
- 5.7.3 There are areas of hard and soft landscaping shown on the proposed plans. However, should the application be approved a condition should be implemented to ensure full hard and soft landscaping details and proposed boundary treatments are submitted to the LPA for approval.

## **5.8 Other Material Considerations**

### **Ecology**

- 5.8.1 Policy N2 of the LDP seeks to ensure the protection of wildlife and species that are protected by law.
- 5.8.2 A Preliminary Ecological Appraisal and Bat Survey has been submitted with the application submission.
- 5.8.3 Roosting bats have been found in two of the buildings. Therefore, as the survey sets out, a mitigation licence will be required from Natural England prior to any demolition on the site. As the protection of these protected species are covered by legislation implemented by Natural England it is not considered necessary to implement a condition in this respect.
- 5.8.4 The Ecological Appraisal and Bat Survey sets out opportunities to enhance the site for wildlife. Should the application be approved a condition to ensure the recommended measures are adhered to, should be implemented in compliance with policy N2 of the LDP.

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

- 5.8.5 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 residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.6 The development of a residential unit falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice

an 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. The findings from HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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.

5.8.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.8.8 The Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and it therefore constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. Given the proposal for two dwellings the contribution required would be £244.60. In the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this constitutes a reason for refusal of the application.

## 6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
17/00069/COUPA	Notification for prior approval for a proposed change of use of three agricultural buildings to three dwellinghouses (Class C3), and for associated operational development	Refused
17/00547/LDE	Claim for a lawful development certificate for the existing use as commercial storage in main barns.	Approved
18/00135/COUPA	Notification for prior approval for a proposed change of use from storage or distribution	Withdrawn

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
	buildings (Class B8) and any land within its curtilage to dwellinghouses (Class C3)	
<b>18/00748/FUL</b>	New access location to improve highways safety and visibility.	Approved
<b>19/00467/COUPA</b>	Notification for prior approval for the change of use of building 1, 2 and 3 from a storage and distribution buildings (Class B8) to 5No. dwellinghouses (Class C3).	Withdrawn
<b>19/00468/COUPA</b>	Notification for a prior approval for the change of use of buildings 5 and 6, storage and distribution buildings (Class B8) to 5No. dwellinghouses.	Withdrawn
<b>19/00471/COUPA</b>	Notification for prior approval for the change of use of barns 4 and 7 from a storage and distribution buildings (Class B8) to 6No. dwellinghouses	Withdrawn

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Little Totham Parish Council.	Little Totham Parish Council approves the above application.	Noted.
Great Totham Parish Council	<p>Object</p> <ul style="list-style-type: none"> <li>- Outside of settlement and the Council can demonstrate a 5YHLS.</li> <li>- The development would create a remote cluster of dwellings and have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside</li> <li>- Adversely affect the infrastructure capacity</li> <li>- Highway safety concerns</li> <li>- No wildlife survey forms part of the application and believes that currently bats occupy the barns.</li> </ul>	<p>Noted and dealt with in sections 5.1, 5.4, 5.6 and 5.8 of this report.</p> <p>Please not the development of two dwellings is not considered to have a significant impact on infrastructure capacity.</p>

## 7.2 Internal Consultees)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection, subject to conditions.	Noted.

## 7.3 External Consultees

Name of External Consultee	Comment	Officer Response
County Highways	No objection, subject to a condition.	Noted.

## 8. **REASONS FOR REFUSAL**

1. The application site lies within a rural location outside of a defined settlement boundary where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The site is poorly located relative to facilities, services and sustainable modes of transport. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. Furthermore, the proposal would substantially alter the character and intrinsic beauty of the countryside, particularly through the introduction of a domestic character and dense form of residential development, contrary to the existing grain of residential development in this rural area. The development would therefore be unacceptable, does not constitute sustainable development and is contrary to policies S1, S2, S8, E1, D1, H2 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.