



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to

**CENTRAL AREA PLANNING COMMITTEE
2 DECEMBER 2020**

Application Number	20/00796/FUL
Location	119 High Street Maldon Essex
Proposal	Change of use of rear service building to C3 residential live/work unit including provision of secure bike storage and bin storage and replacement roof tiles, in association with shop 119 High Street, including minor internal alterations to shop to create separate toilet facility – Resubmission following a recent refusal reference: 20/00198/FUL
Applicant	Mr Jarman
Agent	Sharon Smith
Target Decision Date	20 October 2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Called in by Councillor C Mayes and Policies D1 and H4 were referenced in the Call-In.

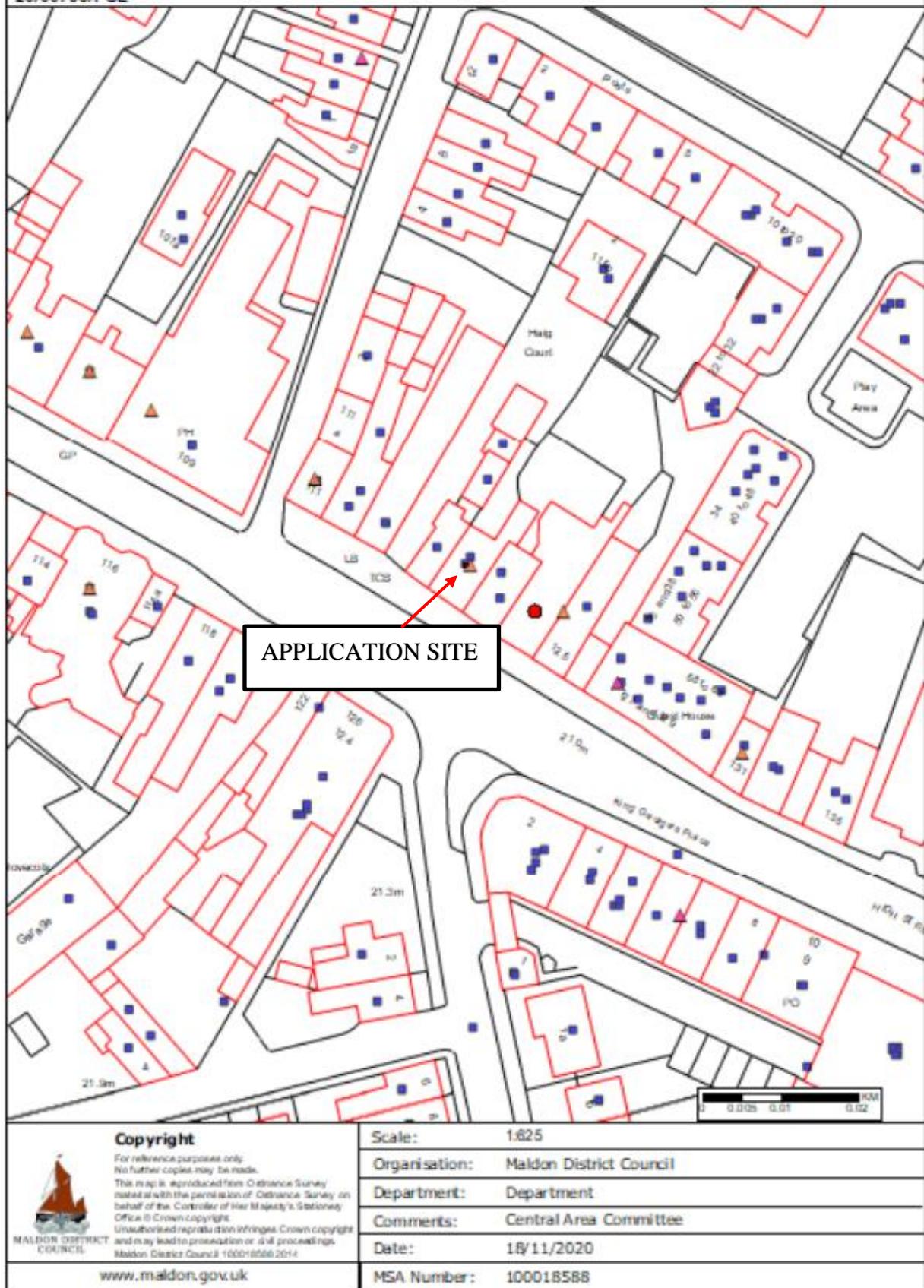
1. RECOMMENDATION

REFUSE for the reason(s) as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

119 High Street, Maldon
20/00796/FUL



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is situated on the High Street. The property fronts the High Street and has access to the rear which is located adjacent to the neighbouring property (No.117 High Street). The property is a Grade II listed building, group listed with 117, 119a and 121 High Street and is located within the Maldon Conservation Area and in the Central Area Masterplan area. The property is located within the Primary Retail Frontages identified in the Local Development Plan (LDP).
- 3.1.2 In the application submission, it is stated that the property had operated approximately four years ago as a wet fishmonger (wholesale and retail) and a poulterers. Part of the site adjacent to the High Street (that proposed to be retained for retail use as part of the current application) is understood to be currently in use as a pet shop.
- 3.1.3 The rear of the building was used for fish preparation and as a wash down area associated with the wholesale and retail fish trade. Part of it was also used for the storage of produce and trade sales.
- 3.1.4 Planning permission was granted in 2019 for the re-development of detached buildings adjacent to the current application site for a one-bedroom dwellinghouse (application reference 18/01286/FUL). Further from the High Street and beyond the site, subject to planning permission reference 18/01286/FUL, is a property consisting of 2 no. two-bedroom flats (Haig Court) which also shares the vehicular access referred to above.
- 3.1.5 To the east of the application site is a vacant plot but which was the subject of planning permission for '*Mixed Use scheme comprising of 1 single storey retail and 5 residential units. Demolition of existing single storey outbuildings and extensions*' (reference: 12/01071/FUL) which was allowed on appeal in August 2014. This planning permission does not appear to have been implemented and has therefore expired.

Proposal

- 3.1.6 Planning permission is sought for a change of use of the site to a live / work unit including provision of secure bike storage and bin storage as well as replacement windows and roof tiles. There would also be minor internal alterations to the remaining retail area to create a separate toilet facility. This application is a resubmission following the refusal of planning application 20/00198/FUL.
- 3.1.7 The proposed change of use to residential use relates to 30sq.m. of floorspace (part of which is within a single storey rear projection) to create a one-bedroom residential unit. Internally, a WC/shower room would be created using partitions within the single storey element.
- 3.1.8 The retained retail floorspace is stated as measuring 23.6sq.m. (including the proposed WC to the rear of the shop). The existing WC at ground floor level, to the

rear of the property, would be converted into a utility room and the door between the current entrance lobby and the shop would be sealed.

- 3.1.9 An outside courtyard area measuring 7.6sq.m. for the proposed residential unit is included within the application site boundary. No off-street parking is proposed for the future occupiers of the proposed conversion.
- 3.1.10 The proposal includes replacement of the existing windows to the rear of the property and replacement of the existing concrete tiles covering the roof of the single storey projection with clay tiles.
- 3.1.11 The entrance to the proposed residential unit would be from the rear of the building which would be a shared access with a first floor flat. There would be no internal connection between the proposed residential use and the remaining retail area. The applicant states that this is for security and privacy purposes. Paragraph 8.17 of the submitted Planning Statement states that a new retail user has taken over the shop and will also occupy the rear of the premises should planning permission be approved.
- 3.1.12 The application is accompanied by a Planning and Heritage Statement within which the following statements are made which are considered relevant to the assessment of the proposal:
- ‘*The live/work unit offers opportunity for a small business operator to live on site reducing the need to travel to and from work.*’
 - ‘*The internal materials comprise modern materials – plasterboard with wood chip lining paper and modern concrete/lino flooring. Plasterboard will be replaced and the walls replastered with a laminate wood floor proposed.*’
 - ‘*The proposal it is considered will result in positive enhancement to the benefit of the historic setting.*’
 - ‘*The proposed use offers the opportunity to create a small live/work unit in the town centre and where the loss of the store/wet room/cutting room has no significant adverse impact on the vitality and viability of the town centre.*’
 - ‘*The proposal represents investment in a building where the previous type of use more generally no longer occurs in the retail market within town centres.*’
 - ‘*Alternative retail/commercial uses would no doubt have a detrimental impact upon the character and form of the listed building should the extension building be incorporated into the main use.*’
- 3.1.13 This planning application is a resubmission following the refusal of planning application 20/00198/FUL. The reasons for refusal are set out below:
- 1 ‘*The premises are within the Primary Retail Frontages identified in the Local Development Plan. The retail unit retained would be small in size and the application is not accompanied by any information to confirm that a retail unit of this size would be viable and that the proposal would not result in the loss of Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan and the NPPF.*’
 - 2 ‘*The development would not provide sufficient cycle parking spaces and off-street parking spaces, failing to accommodate the demand for car parking which, in*

turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.'

3.1.14 The current planning application seeks to address the above reasons for refusal.

3.2 Conclusion

- 3.2.1 The proposal is not considered to be acceptable in principle but would not cause harm to the character and appearance of the listed building, the conservation area, or heritage assets.
- 3.2.2 No objection is raised with respect to the development's impact on the amenity of residential neighbours. The quality of life for the occupiers of the proposed residential unit would not be unacceptable. Appropriate mitigation has been secured and therefore the development is not likely to have an adverse impact on the European designated sites.
- 3.2.3 However, whilst provision for cycle parking would be made for the occupiers of the residential unit proposed, objection is raised as a result of the lack of off-street parking.
- 3.2.4 The current application has, therefore, not fully addressed the two reasons planning permission was previously refused (reference 20/00198/FUL) and so is recommended for refusal.

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
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development

- D3 Conservation and Heritage Assets
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.1.2 Policy S5 states that proposals for retail, office, housing, community, leisure, and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.1.3 Policy E2 states that proposals for development of retail uses will be permitted within the defined Town Centre Areas where 1) the scale and type of development proposed is directly related to the role and function of the centre and its catchment; and 2) there would be no significantly adverse impact on the vitality and viability of the centre or other centres. With respect to Primary Retail Frontages, the Policy requires that ground floor retail units will be protected for A1 Retail Uses. Other types of uses will normally be resisted unless it can be demonstrated that they: 1) will not have a detrimental impact on the function, vitality or viability of the Primary Retail frontages; and 2) will not create a new continuous frontage of three or more units of non-A1 Uses.
- 5.1.4 The premises along Maldon High Street are within the Primary Retail Frontages identified in the Local Development Plan (LDP). The current proposal does include the retention of a retail unit at ground floor level with a retail frontage retained on the High Street elevation of the property.
- 5.1.5 Concerns were raised in relation to the previous planning application 20/00198FUL that the retail unit to be retained was too small, measuring at approximately 23.6sqm compared to the previous 50sqm (the entire ground floor area). It is stated as part of

the current application that the rear part of the building, to be converted into residential use, did not form a part of the retail area fronting the High Street, and therefore could not be included as part of the shop floor. However, whilst this floorspace may not have formed part of the shop itself, it was used for ancillary preparation and storage uses. Furthermore, the application is not accompanied by any information to confirm that a retail unit of this size would be viable i.e. that the proposal would not result in the ultimate loss of the Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved LDP and is recommended for refusal on this basis.

- 5.1.6 In September 2017, planning permission was granted for the '*Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats*' at No. 16 High Street Maldon (reference: 17/00798/FUL). In that application, the retail floor space proposed was only 16sqm. However, that premises was not situated in the core shopping area as identified in the LDP and the existing use of that premises was not a retail shop. Furthermore, as the development was for a live / work unit there would be a natural relationship between the retail space and the residential aspect that would accommodate and facilitate an ancillary interaction that would not be possible in this instance. Therefore, that proposal is not comparable to that the subject of the current application.
- 5.1.7 The proposal would create an additional dwelling to the rear of the property and would contribute to the District's housing supply. Policy H2 of the LDP encourages the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three-bedroom plus units. It is considered the one-bedroom residential unit proposed would contribute positively to the identified housing need and be responsive to local circumstances, which would weigh in favour of the proposal. However, as only one unit is proposed, it is considered that the social and economic benefits of the residential development proposed would not be significant.

5.2 Design and Impact on the Character of the Conservation Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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".

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The above, particularly Policy D1(e) should be read in connection with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where it requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.2.6 Similarly, Policy D3 of the LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.7 The Conservation and Heritage Specialist has advised that the heritage assets affected by this proposal (NPPF para.190) are No. 117, 119, 119A and 121 High Street which were listed Grade II under a single listing in 1971. The premises also fall within the Maldon Conservation Area.
- 5.2.8 In the listed description, it states that '*the building was originally erected in the 15th century as a hall house with two cross-wings. The front part of No. 119 occupies the position of the central medieval hall. The building's medieval origins are not apparent from the outside since it was substantially altered in the Georgian period. A brick façade was planted onto the frontage, the roof was reconfigured, and each of the medieval building's three parts was subdivided into three separate properties. There is a 19th-century single-storey service wing attached to the rear elevation of*

No. 119, constructed of red brick which has been painted white and roofed with concrete tiles.'

- 5.2.9 The rear service wing was most recently used as a wet room for the preparation of fish and has some significance because of its age, however this is limited by the degree to which it has suffered unsympathetic alteration in the 20th century. As one of the oldest structures on the High Street, it is considered that this listed building is of considerable significance and makes a very positive contribution to the Maldon Conservation Area. The internal alterations proposed to the rear wing would not harm the historic fabric of the listed building.
- 5.2.10 The Conservation and Heritage Specialist concludes that the replacement of the brown concrete tiles with sympathetic clay tiles would be a positive improvement and result in no harm to listed building's architectural or historic interest or to the conservation area's special character and appearance.
- 5.2.11 No planning conditions have been recommended by the Conservation and Heritage Specialist as these were attached under the Listed Building Consent which was approved for the works required to facilitate the change of use proposed under 20/00199/LBC.
- 5.2.12 Based on the above, the proposal complies with the policies set out in Chapter 16 of the NPPF and Policies D1, H4 and D3 of the LDP and poses no conflict with the statutory duties set out in sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2.13 It is considered that the applicant's claim that alternative retail/commercial uses of the service building would have a detrimental impact upon the character and form of the listed building should the extension building be incorporated into the main retail use is unsubstantiated. Furthermore, planning permission does not need to be granted for a residential use of the property for the improvements proposed to be carried out. Therefore, these considerations do not weigh in favour of planning permission being granted.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017).
- 5.3.2 The application site is in a Mixed-Use area where there are existing residential units including the first floor flat at 119 High Street and Haig Court to the north.
- 5.3.3 The proposal is for a change of use of part of a retail unit to residential unit. Other than alterations to the external materials and replacement windows, no physical changes to the exterior of the building are proposed. The proposed dwelling would have three external windows (two for the bedroom on the western elevation of the rear projection and one for the lounge on the northern elevation of the main part of the building). All these windows are at ground floor level and would provide an outlook onto the service area to the rear of the property. The scheme for the new dwelling

granted planning permission, reference 18/01286/FUL, does not include any windows on its southern elevation. Furthermore, any potential for inter-visibility between this approved dwelling and the residential unit currently proposed could be minimised through the provision of appropriate means of boundary treatment.

- 5.3.4 The Environmental Health Specialist has not responded to this application at the time of writing this report. However, in response to the previous application for the same proposal (reference 20/00198/FUL), it was recommended that a condition was imposed requiring a Construction Management Plan to be submitted for approval should planning permission be granted. Therefore, it is considered that the recommendation from the Environmental Health Specialist can be carried forward to this planning application.
- 5.3.5 Based on this assessment, it is considered that the proposal would not result in harm to the amenity of any existing residents by reason of overlooking, loss of outlook, light, visual impact, daylight and sunlight. Furthermore, as a result of the nature and scale of the development, the proposal would not cause harm to any existing residents due to noise, smell or pollution.
- 5.3.6 Having considered the above, the proposal would accord with Policies D1, D2, and H4 of the LDP, and Section C07 of the MDDG (2017).

5.4 Access, Parking, and Highways

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, *inter alia*, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policies D1 and H4 of the LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted VPS SPD (2018) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3 No off-street parking spaces are proposed as part of the development, but the VPS SPD requires the provision of a minimum of one parking space for one-bedroom residential properties, even in town centre locations. It is acknowledged that the application site is located in a sustainable location. However, whilst provision for cycle storage would be made, the development fails to accommodate the demand for off-street parking which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved LDP.
- 5.4.4 In this resubmission, reference is made to the site being in a sustainable location and that reliance would be made on public transport and cycling opportunities. They also refer to the public car parks (Butt Lane and High Street East) located a short walk away from the site where overnight parking permits or car parking season tickets are

available to the future occupiers of the site. However, it is not stated that these car parks would be used by the occupiers of the proposed residential unit.

- 5.4.5 As a result, the proposal would not comply with Policies T2, D1, and H4 of the LDP with respect to parking provision.

5.5 Quality of Life for the Occupiers of the Proposed Residential Unit

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide 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.
- 5.5.2 The proposal includes the provision of a small courtyard which would measure 7.6sq.m. but this area would not be private and would not be of a sufficient size to meet the minimum 25sq.m. recommended in the adopted standards. However, the proposed residential unit would only be one bedroom and the occupiers of the unit would have the benefit of living close to the services and facilities available in the High Street. There are also areas of public open space within walking distance of the site which would partly compensate for the lack of on-site provision. Furthermore, no objection to the proposal was raised to the proposal on the basis of amenity space provision as part of the previous application 20/00198/FUL.
- 5.5.3 It is noted that the proposed floor area for the one-bedroom unit is 30sq.m. while this falls short of the recommended minimum of 50sq.m. of floorspace in the National Space Standards for one bedroom, two-person residential units, this was not objected to as part of the previous planning application 20/00198/FUL. It is therefore considered that a refusal of planning permission on the basis of the limited floorspace proposed would not be justified especially as the habitable rooms proposed would be provided with natural light and ventilation.
- 5.5.4 While the Environmental Health Specialist has not responded at the time of writing this report, it is noted that in response to the previous planning application 20/00198/FUL, it was recommended that a condition was imposed requiring the proposed live/work unit to be used as a single unit. As the current application is essentially for the same development, it would be considered reasonable that the condition recommended by the Environmental Health Specialist to be carried forward and be imposed to this application should planning permission be granted.
- 5.5.5 Based on the above, it is considered that the quality of life for the occupiers of the proposed development would be acceptable in this instance, in accordance with Policies D1 and H4 of the LDP.

5.6 Nature Conservation

- 5.6.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 5.6.2 Policy N2 of the LDP states that “*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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.*”
- 5.6.3 Additional dwellings would have the potential to have an impact on the nature conservation interests for which the nearby Blackwater Estuary has been designated as the site is located within the Impact Risk Zone of the designated sites, as identified by Natural England (NE). NE have advised that the local planning authority would need to complete a Habitats Regulations Assessment (HRA) for the development based on the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 5.6.4 The proposal is for an additional residential unit. NE 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 Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence (ZoI)’ of these sites cover the whole of the Maldon District.
- 5.6.5 NE 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 ZoI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.6.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA. NE have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.6.7 The application site falls within the ‘ZoI’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.6.8 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE’s general advice is that a HRA should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European

designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.6.9 To accord with NE'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.

- 5.6.10 Summary of Appropriate Assessment: As a competent authority, the local planning authority concludes that the project would have a LSE on the sensitive interest features of the European designated sites. Based on this, it is considered that mitigation, in the form of a financial contribution of £125.58, is necessary, in this case

5.7 Conclusion

Taking into account the guidance of NE, it is considered that the likely impact of the development, in the absence of mitigation, would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission. It is noted that the Applicant has submitted a completed Unilateral Undertaking (UU) to secure the necessary financial contribution and, therefore, the likely adverse impact on the European designated sites would be adequately mitigated.

6. ANY RELEVANT SITE HISTORY

- **20/00198/FUL** - Change of use of rear service building to C3 residential live/work unit in association with shop 119 High Street, including internal alterations to shop to create separate toilet facility. Refused: 23.06.2020
- **20/00199/LBC** - Works associated with proposed change of use of rear service building to C3 residential live/work unit in association with shop 119 High Street, including internal alterations to shop to create separate toilet facility. Granted Listed Building Consent: 23.06.2020

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal due to the lack of amenity space which is considered to be materially harmful to the amenity of future occupiers of the building contrary to Policies D1 and H4 of the Maldon District Local Development Plan, insufficient parking provision for the occupiers of the building and the cramped design of the accommodation at the rear which is inappropriate in the Conservation Area.	Noted – these matters are addressed in the assessment above.

7.2 External Consultees

Name of Consultee	Comment	Officer Response
Natural England	No comment received at the time of writing this report	Refer to Section 5.6 in the officer report

7.3 Internal Consultees

Name of Consultee	Comment	Officer Response
Environmental Health Specialists	Comments in response to planning application 20/00198/FUL: <i>'No objection in principle but conditions (requiring a construction management plan and that the live/work unit is occupied as a single unit for residential/employment purposes) and informatics are recommended'</i>	Noted – refer to sections 5.3.4 and 5.5.4 of the report
Specialist – Heritage and Conservation	No objection	Noted – refer to Sections 5.2.7 and 5.2.13 of the report

7.4 Representations received from Interested Parties

7.4.1 No letters of representation had been received at the time of writing this report.

8. REASONS FOR REFUSAL

- 1 The premises are within the Primary Retail Frontages identified in the Local Development Plan. The retail unit retained would be small in size and the application is not accompanied by sufficient information to demonstrate that a retail unit of this size would be viable and that the proposal would not result in the loss of a Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan and the NPPF.
- 2 The development would not provide any off-street parking spaces, failing to accommodate the demand for car parking which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.