



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 April 2021

Application Number	21/00101/FUL
Location	Land Adjacent Hipseys Cottage The Street Steeple
Proposal	Construction of a new dwellinghouse.
Applicant	Mr Taylor
Agent	Mr Paul Lonergan - Paul Lonergan Architects
Target Decision Date	16.04.2021
Case Officer	Hannah Dungate
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In by Cllr P A Channer citing Policies S1, S8, D1 – Sustainable development, settlement boundaries and the countryside, design quality and environment.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Land Adjacent To Hipseys Cottage The Street Steeple
 21/00101/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	26/03/2021
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the defined settlement boundary of Steeple and is the residential side garden associated with Grade II listed building, Hipseys Cottage. There is an existing detached garage outbuilding located within the plot, and dense vegetation. To the north of the site is undeveloped countryside, some of which consists of dense vegetation.
- 3.1.2 Within the immediate vicinity of the application site, on both the north and south sides of The Street, is a cluster of historic properties with group value that front The Street. The surrounding area largely consists of linear residential development set back from the road. To the east of the application site, properties comprise detached bungalows which are set back from the road and have parking areas to the front.
- 3.1.3 The proposal is for a detached one and a half storey property located within the residential side garden of Hipseys Cottage. It would be set back from the main road in line with the established building line of the bungalows located east of the site by 12.9m. A shared parking area is proposed to the front of the properties which would serve both Hipseys Cottage and the new dwelling. A tandem parking arrangement of two car parking spaces per dwelling is proposed within this space.
- 3.1.4 The property itself would have a pitched roof design, to reflect the character of Hipseys Cottage. The proposed fenestration within the front elevation would also be similar in style to the Grade II listed property. It would measure 5.85m in height, 4.9m wide and 9.2m depth. At its closest point, the proposed property would be located a distance of 1.2m from the existing shared boundary with the adjacent bungalow to the east and a distance of 0.9m from the proposed shared boundary with Hipseys Cottage, to the west.
- 3.1.5 It would have two bedrooms at first floor level and the proposed materials would be painted weatherboard, brick plinth and plain roof tiles.

3.2 Conclusion

- 3.2.1 The proposed development would be disconnected and isolated from services and facilities by reason of its unsustainable location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The proposed development, due to its design and layout, is also considered to be a contrived form of development which would result in significant harm to the character and appearance of the streetscene and the neighbouring listed building, Hipseys Cottage. Additionally, the development would detrimentally impact on highways safety due to the lack of a turning area as a result of the contrived nature of the proposed development and tandem parking arrangement.

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
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- 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 (MDDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards (VPS) SPD

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), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out-of-date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan (LDP) through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'*
- 5.1.9 The application site is located within the defined settlement boundary of Steeple which is classified as a "smaller" village within the district which has few or no services and facilities and limited or no access to public transport. It is noted that the application site is located north of The Street which is the main thoroughfare

through Steeple connecting Latchingdon to Bradwell-on-Sea, which are also defined as smaller villages within the Maldon LDP. Although Mayland, which is defined as a Larger village with a limited range of services and opportunities for employment, retail and education within the LDP, is located on this main thoroughfare, it is around 2 miles from Steeple, which is a fairly substantial distance to walk to access nearby services along an unlit road where there are no public footpaths. Steeple is therefore located in a remote position within the countryside away from any nearby services or facilities and is not easily accessible by foot to be considered as a sustainable location.

- 5.1.10 Along The Street, there is a bus stop within a 5 minute walking distance to the west of the site, which is served by the 31C and D buses between Chelmsford – Maldon and Mayland. The 31C only runs once in the morning and once in the afternoon and the 31D runs only on Sundays. The D1 and D2 are demand responsive services which have to be booked in advance. The other buses serving the bus stop appear to be school buses. Therefore, the lack of suitable public transport services would severely restrict opportunities to use public transport to meet the day to day needs of the future occupiers. Based on this assessment, the location of the site would fail to discourage the use of private cars contrary to Paragraph 103 of the NPPF which states that *'the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'* Overall it is considered that the future occupiers would be heavily reliant on the use of private motor vehicles and the proposal would also fail to accord with the NPPF and Policy T2 of the Maldon LDP in this regard.
- 5.1.11 Whilst it is noted that paragraph 77-79 of the NPPF supports sustainable development in rural areas, where it will maintain the vitality of rural communities, Steeple, as stated above, is a small village with limited employment opportunities, with limited transport to larger villages/settlements. Therefore, when considering the sustainability credentials of the site, an objection is raised to the principle of new residential housing in this location.
- 5.1.12 The addition of one property within an unsustainable location would weigh against the proposal which would have limited benefit in making up the current housing land supply shortfall.
- 5.1.13 As such, having regard to the Council not being in a position to demonstrate a 5YHLS, the 'tilted balance is engaged in respect of the assessment of this application as set out at paragraphs 5.1.3-5.1.6 above.

5.2 Housing Need and Supply

- 5.2.1 Recent case law, as noted above, and having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The proposal would provide one two-bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.4 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 Whilst the proposed two-bedroom dwelling would contribute to the identified need for smaller houses, this only weighs slightly in favour of the development as only one dwelling is proposed. As only one dwelling is proposed, it is considered that the social and economic benefits would be negligible.

5.3 Design and Impact on the Character of the Area and Setting of Listed Building

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

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

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

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

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

- e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, 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. In the terminology of the NPPF, the Council must consider whether the proposal will 'harm' the listed building's 'significance'. Policy D3 of the LDP states that '*development proposals that affect a heritage assets will be required to preserve or enhance its special character, appearance, setting and any feature and fabric of architectural or historic interest.*'
- 5.3.7 The nucleated village of Steeple was mostly developed from the 18th century. By the 19th century the village was composed mainly of labourers' cottages lining either side of The Street. The character of Steeple was radically changed as a result of slum clearance in the first half of the 20th century and the development of new houses. The 20th and early 21st century houses are set back from the highway whereas the frontages of the old cottages mostly abut the pavement. Most of the Georgian and Victorian cottages which survive are now grade II listed buildings.
- 5.3.8 Hipseys Cottage is a grade II listed building, first designated in 1986, which fronts the main road. It is a 1 ½ storey timber-framed and weatherboarded 18th-century cottage with a half-hipped roof clad in clay tiles. Unlike other old cottages in Steeple it is orientated at a right-angle to the highway with its half-hipped gable fronting onto The Street. It forms part of a small cluster of grade II listed cottages, either side of The Street, which have value as a group. The significance of Hipseys Cottage and the other nearby listed cottages can be said to relate to their age, vernacular character, traditional materials and the contribution they make to the street-scene. Hipseys Cottage features prominently in views down The Street from the east due to its orientation and the fact that the late-20th-century bungalows to the east of it are set back from the highway.
- 5.3.9 This application seeks permission to construct a house in the garden of Hipseys Cottage, set back from the highway so that it would align with the bungalows to the east. At the point where the new house is proposed, there is a noticeable change in character within the street scene, from a cluster of taller historic buildings fronting the main road, to contemporary bungalows which are lower in height and set back from the main road.

- 5.3.10 Although the design of the proposed house would be similar in scale, form and materials to Hipseys Cottage, and would not obscure any important views of the listed building, the new house which would be taller than the adjacent bungalows and would appear as an isolated taller building in this setback position. Given the surrounding context and the proposed positioning of the property towards the rear of the site it would appear out of character with this part of the street scene. It would noticeably change the balance of built form and the visual emphasis of built form towards the rear of the site which would be exacerbated by the setback position of the neighbouring bungalows. Because of this, the new house would appear as a prominent feature within the streetscene, particularly when viewed from the east, from The Street and the junction with Batt's Road. This isolated position would to some extent vie for attention with the listed cottage.
- 5.3.11 The harm caused by the siting of a dwelling in this location would also be exacerbated by the close proximity of the proposed dwelling to its neighbouring properties. When measured from the front elevation, the proposed dwelling would be positioned 1.8m from the side wall of the bungalow to the east, Baarregaroo, and 1.9m from the corner of the rear extension to the host dwelling to the west, Hipseys Cottage. The proposed dwelling would appear as a cramped and contrived form of development which would appear to have been forced in to a small wedge of amenity land, thereby increasing the density of development in this area, to the detriment of the character and appearance of the streetscene and the surrounding area.
- 5.3.12 Furthermore, the existing front hedgerow and railings currently provide a pleasant soft boundary treatment which complements the setting of Hipseys Cottage. The removal of most of the hedgerow and railings would be required in order to create a parking area for four cars, serving both the existing cottage and the proposed house. The proposed car dominated frontage, as well as the erection of a close-boarded fence along the eastern boundary of the site, would be less sympathetic to the setting of the cottage than the current arrangement. In these ways the development would detract from the setting of the listed building causing some minor harm to its significance.
- 5.3.13 To use the terminology of the NPPF and Policy D3 of the Maldon LDP, the proposal would cause "less than substantial harm" to the significance of the heritage asset. This harm must be weighed against the public benefits of the proposal which are considered limited in this instance given the above assessment. The degree of harm in this instance would be limited. Irrespective of the degree of harm, paragraph 193 of the NPPF requires local planning authorities to give great weight to the conservation of a heritage asset when considering a proposal. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building's setting. It is the opinion of the Council's Specialist – Heritage and Conservation that due to the minor harm posed by the proposal, the development poses some conflict with this duty.
- 5.3.14 Given that design of the dwelling has taken design cues from the existing listed property to the west, Hipseys Cottage, there is no objection in principle to the design of the dwelling when viewed in isolation. Notwithstanding the above, the materials are considered acceptable and if the application were to have been recommended for approval, a condition would have been included to ensure they would be in keeping with the character of the area.
- 5.3.15 It is noted that there is an existing single storey garage outbuilding where the proposed dwelling would be located however this is of a smaller scale and an

ancillary outbuilding which does not have the same harmful impact on the streetscene that the proposed dwelling would have.

- 5.3.16 Overall, the proposal is considered to conflict with Policies D1, D3 and H4 to the detriment of the character and appearance of the area and would cause minor harm to the setting of the adjacent listed building in conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.4 Impact on Residential Amenity

- 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.
- 5.4.2 From the plans submitted, the proposed dwelling would be located 1.9 metres from the neighbouring property to the west. The proposed dwelling would project beyond the rear of Hipseys Cottage by 9.2m and would align with the neighbouring bungalow to the east. Although the new house would project quite deep beyond the rear of Hipseys Cottage it would be one and a half storeys in height and would be orientated east of the garden at Hipseys Cottage such that a significant loss of light would not occur. Whilst there would be some loss of light to the garden serving the neighbouring listed building, due to its scale, modest separation distance and the size of the neighbouring garden, it is not considered that the proposal would result in a level of overshadowing or sense of domination to an extent that would justify the refusal of the application. There are also no first-floor side windows proposed that would overlook this neighbour.
- 5.4.3 The proposed dwelling would be located 1.2 metres at its closest from the neighbouring bungalow Barreegaroo. The proposed development would not be considered an unneighbourly form of development to this property given its location next to an existing single storey flat roof element and would not project beyond the rear of this property.
- 5.4.4 The rear windows on the proposed dwelling would have some views of the neighbouring gardens however this would be at oblique angle only and would mainly face down the garden on the application site which would not result in such a level of overlooking that would justify the refusal of the application.
- 5.4.5 It is considered that the future occupiers of the proposed dwelling would have suitable living conditions and therefore there are no objections in relation to this.

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, which are expressed as minimum standards, which takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. 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.
- 5.5.2 There is an existing single vehicular access on the southern boundary of the site which is proposed to be extended to span the full width of the application site. The

dwelling is proposed to have two bedrooms and therefore two parking spaces are required, measuring 2.9 metres wide by 5.5 metres deep in accordance with the adopted parking standards. The existing dwelling, Hipseys Cottage also has two bedrooms. Whilst there is sufficient space to the front of the dwelling for four parking spaces to be provided in accordance with these standards, there would be no provision for a turning area meaning the vehicles would not be able to egress the site in a forward gear. The proposed parking area is located immediately adjacent to Hipseys Cottage, which directly abuts the carriageway edge so that sufficient visibility splays could not be provided in this location. This situation could result in vehicle conflict between those driving along the road and the vehicles exiting the site. It is considered that, due to the lack of a turning area and given the proximity of the access to the neighbouring property, resulting in insufficient visibility splays, it has not been demonstrated that there would be a safe, suitable, usable and convenient access at the site.

- 5.5.3 It is noted that the Highways Authority have objected to the scheme on the basis that the insufficient visibility splays would be provided and the proposed new dropped kerb vehicle crossing at Hipseys Cottage would lead to vehicles reversing with restricted visibility onto the busy carriageway of The Street. This would likely lead to increased conflict and risk of collisions for both emerging and approaching vehicles, resulting in an unacceptable degree of hazard detrimental to the safety of all highway users.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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 25m² for flats.
- 5.6.2 The proposed dwelling would have a private garden area measuring over 100 square metres. The remaining garden size of Hipseys Cottage would measure in excess of 100 square metres and therefore there are no objections to the proposal in relation to amenity space.

5.7 Impact on Designated Sites

- 5.7.1 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.
- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). 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 (Zol) 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.

5.7.3 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. NE does not need to be re-consulted on this Appropriate Assessment.

5.7.4 The Essex Coastal RAMS has been adopted by the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. However, 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 would constitute a reason for refusal of the application.

6 **ANY RELEVANT SITE HISTORY**

None relevant.

7 **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Support	Noted

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Undertake a Habitats Regulations Assessment (HRA) in relation to RAMS.	Noted
Highways Authority	The proposal is not acceptable to the Highways Authority.	Noted

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	Object to the application as the proposal will cause “less than substantial harm” to the significance of the heritage asset.	Noted
Environmental Health	No objection subject to the inclusion of a foul water drainage condition.	Noted. Should the application be approved, a condition will be included to this effect.

7.4 Representations received from Interested Parties

None received.

8 REASONS FOR REFUSAL

- 1 The proposed development would be disconnected and isolated from services and facilities by reason of its unsustainable location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be unacceptable and contrary to policies S1, S8, D1, H4 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, due to its design, layout and position, is considered to be a contrived form of development which would result in significant harm to the character and appearance of the streetscene and the neighbouring listed building, Hipseys Cottage. This harm would be exacerbated by the prominent location and visibility of the site from The Street, given the setback position of the neighbouring bungalows, which would visually compete with Hipseys Cottage. The proposal is therefore contrary to policies S1, D1, D3 and H4 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide and the National Planning Policy Framework.
- 3 It is considered that, due to the lack of a turning area as a result of the contrived nature of the proposed development and tandem parking arrangement, this would lead to vehicles reversing with restricted visibility onto the busy carriageway of The Street which would lead to increased conflict and risk of collisions for both emerging and approaching vehicles, resulting in an unacceptable degree of hazard detrimental to the safety of all highway users. The proposal is therefore contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 4 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 guidance contained within the National Planning Policy Framework.