



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
**31 JULY 2024**

<b>Application Number</b>	<b>24/00089/FUL</b>
<b>Location</b>	Land rear of 47 High Street, Maldon, Essex.
<b>Proposal</b>	Demolition of an existing outbuilding and construction of a 1 and ½ storey 1 bedroom dwelling.
<b>Applicant</b>	Bowkett – Ribow Properties Ltd.
<b>Agent</b>	Ms Annabel Brown – Annabel Brown Architect
<b>Target Decision Date</b>	02.08.2024
<b>Case Officer</b>	Juliet Kirkaldy
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor K Jennings – Policies D1 and H4.

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**24/00089/FUL**  
**Land rear of 47 High Street, Maldon**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:500
Organisation:	Maldon District Council
Department:	Department
Comments:	North Western Area
Date:	11/06/2024
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Site Description**

- 3.1.1 The application site is located on the southern side of Bull Lane, to the rear (north) of No.47 High Street within the defined settlement boundary for Maldon. The site measures 0.01 hectares and comprises of an existing shed/store building that is proposed to be demolished. It is a long and narrow site.
- 3.1.2 The site is situated within the designated Conservation area. There are numerous heritage assets to the south of the site, fronting onto the High Street. No.47 High Street is Grade II listed.
- 3.1.3 The northern side of Bull Lane is characterised by residential development. To the southern side is predominately service access into the rear of the commercial/business units located along the High Street. Some of these commercial/business units have residential flat accommodation above. To the east of the site is the Town Hall and to the west is Salero Lounge.
- 3.1.3 The site is situated within Flood Zone 1 (Low Risk of Flooding).

#### **3.2 Proposal**

- 3.2.1 Planning permission is sought for the demolition of an existing outbuilding and the construction of a 1 ½ storey 1 bedroom dwelling.
- 3.2.3 The existing shed/store outbuilding which is proposed to be demolished has a footprint of 39sqm. The proposed dwelling would be set back from the highway (Bull Lane) by approximately 13.8 metres. It would have a depth of 11 metres and a width of 4.1 metres. It would have a gambrel roof form that would have an overall height of 6.6 metres.
- 3.2.4 An area (8sqm) of private amenity space is proposed to the front of the dwelling (facing towards Bull Lane) and to the rear of the proposed dwelling (7.5sqm) facing rear of 47 High Street. There is 1 car parking space proposed.
- 3.2.5 There is an existing stairwell providing access into first floor accommodation of 47 High Street which is proposed to be modified from a straight run to a 90 degree turning corner to facilitate the siting of the proposed dwelling and associated amenity space.
- 3.2.6 The proposed entrance into the dwelling is on the northern front elevation. Full height glazing is proposed on this elevation. The eastern side elevation would be a blank flank wall. On the western side elevation, a single window is proposed at ground floor level providing light and ventilation into the kitchen. On the first-floor elevation there are two single windows proposed providing light and ventilation for the bedroom accommodation and kitchen area. On the rear southern elevation full height glazing is proposed with patio doors on the ground floor providing access into the amenity space. A single window is proposed at ground floor providing light and ventilation for the downstairs bathroom. On the eastern roof slope there are roof lights proposed providing light and ventilation for the bedroom and stairwell.
- 3.2.8 The materials proposed for the dwelling are clay roof tile, timber cladding to the first-floor facades and a brick walled base.

### **3.3 Conclusion**

3.3.1 The proposed development would result in inappropriate backland development resulting in a cramped, contrived development out of keeping with its surroundings to the detriment of the character and appearance of the area. It would not provide an adequate quality of life for occupiers as a result of the lack of sufficient amenity space of an adequate quality and resultant poor outlook and natural light. In the absence of a completed legal agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has not been secured. Therefore, the proposal would have an adverse impact on European designated nature conservation sites.

3.3.2 It is therefore recommended that planning permission is refused.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11-14 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications.
- 55-58 Planning conditions and obligations
- 82-84 Rural housing
- 108-111 Promoting sustainable transport.
- 123-127 Making effective use of land.
- 128-130 Achieving appropriate densities.
- 131-141 Achieving well designed and beautiful places.
- 157-175 Meeting the challenge of climate change, flooding and coastal change.
- 180-194 Conserving the natural environment.
- 189- 208 Conserving the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services

- I2 Health and Wellbeing

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan is the approved Local Development Plan (LDP).
- 5.1.2 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.
- 5.1.3 The site is situated within the defined settlement boundary of Maldon, one of the main settlements within the District as detailed within policy S8 of the LDP, where the erection of a dwelling is acceptable in principle.
- 5.1.4 The acceptability of the proposal against policies and all other relevant material planning considerations is assessed below.

#### **Five Year Housing Land Supply**

- 5.1.5 As per Paragraph 75 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.
- 5.1.6 On 28 May 2024, the Council confirmed, through approval of its officers report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years' worth of housing against the Councils identified housing requirements. The published figure for the year 23/24 was 6.35 However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government's drive to meet housing demand, where any identified harm caused by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on the

ground, and approval of new permissions, is necessary for the Local Planning Authority to demonstrate that it is being consistent with national policy.

#### Housing Provision and Mix

- 5.1.7 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF (2023) and up to date Planning Practice Guidance (PPG) and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self build.
- 5.1.8 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for 4+ bedroom market dwellings.
- 5.1.9 Although the proposal for a one bedroom dwelling would support the need for one bedroom dwellings in the District, this is a nominal contribution and would not contribute towards the Districts biggest requirement for three bedroom dwellings. The housing mix proposed therefore, does not weigh in favour of the application.

#### Sustainable Development

- 5.1.10 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. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. 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.

#### Environmental Dimension

- 5.1.11 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.1.12 The site is within the settlement of Maldon which is classified as a 'main settlement' within the District as detailed within policy S8 of the LDP. The main settlements are those with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links. The occupiers of the site would have access to a good range of services and facilities by means other than the private car. The site is located close to the town centre and walking distance of the Leisure Quarter of the Maldon Central Area (which includes Promenade Park) and there are bus stops within the vicinity of the site. The occupiers of the site would also have access to local primary and secondary schools. This good level of accessibility weighs significantly in favour of the proposal.
- 5.1.13 The other elements of the environmental dimension of sustainable development (which would include the impact on the character and appearance of the area, heritage assets, nature conservation, residential amenity and the quality of life for the occupiers of the proposed dwelling) are discussed below.

## Social Dimension

- 5.1.14 The development would contribute towards the supply of housing within the District. This matter weighs in favour of the proposal but is limited as only one additional dwelling is proposed.
- 5.1.15 As discussed above, the proposed one bedroom unit would contribute positively to the identified housing need and be responsive to local circumstances, which weighs in favour of the proposal. However, the social benefits of the residential development proposed would not be significant as only one dwelling is proposed.
- 5.1.16 It is considered that the proposal would have a limited positive impact in regarding to housing supply.

## Economic Dimension

- 5.1.17 The development would make a positive contribution to the local economy through the construction of the dwelling and additional custom for existing businesses, however, as only one dwelling is proposed, this contribution would be limited.

## **5.2 Design and Impact on the Character of the 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policies D1 and H4 of the LDP and the Maldon District Design Guide (2017) (MDDG) are relevant in this respect.
- 5.2.2 The application site is located in a 'backland' position to the rear of the High Street and is generally characterised as a service yard for the commercial/business uses. Given this context, the proposal for a residential dwelling in this location would appear as an unexpected and an incongruous feature.
- 5.2.3 Despite its 'backland' position, the dwelling proposed would be set back 13.8 metres from Bull Lane and therefore would be highly visible from the public realm. The existing building, proposed to be demolished, is an unassuming outbuilding. The proposed dwelling would appear as a more dominant feature within the street scene.
- 5.2.4 The building would be in close proximity to the boundaries of the site. It would abut the eastern boundary and adjoining building of the neighbouring site and would be situated 1.3 metres from the western boundary. The existing neighbouring buildings to the south 47 High Street (four storey) and to the west (Salero Lounge) would appear overbearing and oppressive particularly given the close proximity to the proposed dwelling.
- 5.2.5 Given the shape and size of the application site, its narrow and long form and the 'backland' context of the site, it is considered that the building would appear cramped, contrived and out of keeping with its surroundings to the detriment of the character and appearance of the area.
- 5.2.6 The materials proposed would be a clay tile roof, timber cladding to the 1<sup>st</sup> floor facades and a brick walled base. The submitted Design and Access Statement states

that, *'the style and character we have proposed has taken inspiration from nearby buildings such as the Church Walk cottages'*. The materials proposed would be compatible with the character and appearance of the surrounding area therefore no objections are raised in this regard.

#### Impact on Heritage Assets

- 5.2.7 Section's 72(1) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area and listed buildings. Policy D3 of the approved Maldon District LDP is similarly relevant with respect to preserving or enhancing of the special character, appearance, setting and any features and fabric of architectural or historic interest if its heritage assets. 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.
- 5.2.8 The site is situated within the designated Conservation area and adjacent to Listed buildings, including 47 High Street which is Grade II Listed.
- 5.2.9 The application is supported by a Heritage Statement which states that, *'The rear of 47 High Street is used as a service area, it has industrial, utilitarian steps used to access the flats, as can be seen from the massing model and existing drawings, the site is a narrow, long plot with a low quality shed/store building. Our proposal seeks to improve the overall feel and character of this plot with the removal of the shed building and in its place the building of a small, residential dwelling. Our design carefully considers the complex nature of the rear of 47 High Street, with a mix of roofscapes, materials and uses (mainly as a service area) and responds with an architectural solution that improves the feeling and architectural value of this plot'*.
- 5.2.10 The Specialist – Conservation and Heritage has been consulted and commented that, *'The proposal would require the demolition of a ramshackle outbuilding which is of no architectural interest. It is proposed to replace this with a 1 ½ storey building which would have walls of brick and weatherboarding and a half-hipped gambrel roof clad in clay tiles. The gambrel roof form would reflect that found on other historic and modern buildings to the rear of the High Street such as Spindles, Church Lane, to the west of the application site. The use of traditional natural materials would complement the surroundings. The building would obscure some views of the east flank windows to the rear hall of No. 45 (now the Solero Lounge), but these windows would remain visible from other angles. No harm would be caused to the setting of No. 47. A modern external flight of stairs at the back of No. 47 would need to be realigned, which would cause no harm'*.
- 5.2.11 The Specialist – Conservation and Heritage has raised no objection to the proposal subject to conditions relating to materials, brickwork laid in Flemish bond and details on materials, finish and detailed of all external doors and windows.
- 5.2.12 The Archaeology Officer has commented that, *'the proposed development is sited in an area of know archaeological potential. It is sited within Maldon's historic core.'* If planning permission were to be granted, a condition could be imposed relating to a programme of archaeological investigation.
- 5.2.13 Therefore, in terms of impact on heritage assets the proposal would accord with the NPPF and policies D1, H4 and D3 of the LDP.

#### Summary



5.2.14 Overall, the proposed development given its backland context would appear cramped, contrived and out of keeping with its surroundings to the detriment of the character and appearance of the area. The proposal has therefore been found contrary to Policies S1, S8, D1 and H4 of the Maldon District LDP (2017), the MDDG (2017), and the policies and guidance in the NPPF (2021).

### **5.3 Impact on Residential Amenity**

5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.3.2 The site is bordered by Salero Lounge (café and restaurant) approximately 3.4 metres to the west, and the barbers and flat above (47 High Street) approximately 7.5 metres to the south and Aesthetics of Essex adjoining the eastern boundary.

5.3.3 No objections have been received from neighbouring properties.

5.3.4 The proposed dwelling would be subordinate in height to No.47 the High Street and the adjacent Salero Lounge. There are three single windows proposed on the west elevation of the dwelling facing Salero Lounge. The single window on ground floor would provide light and ventilation for the kitchen. The two single first floor windows would provide light and ventilation for the bedroom and the void above the kitchen/diner. The eastern elevation would be a blank flank wall. On the rear southern elevation (facing rear elevation of 47 High Street), a full height window is proposed with louvre exterior at first floor. This would serve the living room and bedroom. Although the louvre exterior would provide privacy to an extent, there is concern that given the proximity to the rear elevation of 47 High Street (less than 8 metres) this would still result in a loss of privacy to occupiers of the first floor flat above 47 High Street with windows directly facing rear elevation of the proposed dwelling.

5.3.5 Given the design and layout of the proposal, there is concern that the proposal would give rise to a detrimental impact on neighbouring amenity in terms of loss of privacy. The proposal therefore conflicts with policy D1 of the LDP.

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

5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Council's adopted Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) 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 development.

5.4.3 The proposal would provide for a 1no. bedroom dwelling. In accordance with the Council's Parking Standards, a minimum of 1 car parking space would be required. The submitted Design and Access Statement states that, *'the access remains the*

*same as existing, currently the site can accommodate 1 parked car, but due to its narrow but long nature it can accommodate multiple cars if they were to block each other in. Due to this technical parking accommodation of 1 car is remaining the same.*

- 5.4.4 The proposal has been reviewed by the Highways Authority and they have commented that, *'the site is accessed via Bull Lane which is a private road, and there are no proposed alterations to the existing access arrangements to the local highway network'*. They have raised no objection subject to conditions relating to provision of cycle parking and a travel information pack. A further condition could be imposed relating to the provision of an electric car charging point if planning permission were to be granted.
- 5.4.5 During the Officer site visit it was noted that a vehicle was parked within the site. It is not clear if this was in association with the existing commercial/business use on the High Street or the residential flat accommodation above. However, it is not clear if alternative provision would be made available. It is noted that there is access to nearby public car parks within the vicinity of the site.
- 5.4.6 Subject to compliance with the above conditions, the proposed development would accord with NPPF and policies D1 and T2 of the LDP in terms of highway safety and accessibility.

## **5.5 Private Amenity Space and Living Conditions**

Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely a minimum of 50m<sup>2</sup> of private amenity space for dwellings with 1 to 2 no. bedrooms.

- 5.5.1 The MDDG SPD states, *'private gardens should contribute towards the leafy, green character of the local area. They provide a function that may not be interchangeable with the offer of public open space. Additionally, they may provide residents with the opportunity to play, grow food and encourage wildlife.'* It further refers to the design principles for residential outdoor amenity and states, *'amenity space is located to allow for maximum daylight/sunlight'*.
- 5.5.2 The application proposes 7.5sqm of rear amenity space provision. This falls significantly below the minimum standard specified in the MDDG. Given the design and layout of the proposal and amenity space, it would not be a private area and would be poorly integrated. It would be overlooked by the adjacent flats and users of the stair well to the rear of 47 High Street. There is also concern that there would be limited daylight/sunlight within the amenity space due to proximity and resultant overshadowing from the adjacent four storey buildings and proposal to enclose the amenity space with 2 metre close boarded fencing (a recommendation of noise assessment as discussed below).
- 5.5.3 It is noted from the photographs submitted with the Design and Access Statement that there is an outside toilet facility approximately 1 metre to the south west of the proposed amenity space. Presumably this is for the occupiers of the commercial/business use on the High Street. There is concern regarding the proximity of this facility and the resultant poor relationship with the proposed amenity space.

- 5.5.4 The Nationally Described Space Standards states a minimum gross internal floor area for a 1 bedroom, 2 person, 2 storey dwelling of 58sqm. The proposed dwelling would have a gross internal floor area of 72sqm and therefore would accord with the minimum standard. However, there is concern regarding poor outlook for prospective occupiers of the dwelling, particularly given the proximity and height of the neighbouring buildings and the proposal to enclose the rear amenity space with 2 metre close boarded fencing, less than 2 metres from the rear elevation. This would reduce light into the living area.
- 5.5.5 There would be limited provision of amenity space, significantly below the 50sqm minimum recommended in the MDDG (2017) and the 'garden area' proposed would not be private. There would also be a poor outlook for prospective occupiers as it would be oppressive and overbearing.
- 5.5.6 The Environmental Health Officer initially submitted a holding objection to the application as the applicant had not provided any details as to how they proposed to ensure that prospective occupants of the dwelling are protected from any potential noise from the adjacent commercial premises. However, during the course of the application a noise impact assessment (prepared by Infinity Acoustics) was submitted. There is a barbers located within no.47 High Street and Solero Lounge (restaurant/café) located to the west of the site. There are large single glazed windows from Solero Lounge facing onto the site and associated commercial and mechanical plant noise. The noise assessment concludes that, *'as a result on the noise assessment, a sound insulation scheme and mitigation measures have been defined to ensure that all the criteria outlined in BS8233:2014 can be achieved even when considering the loudest measured 1 hour period or the BS4142 rating noise level'*. The mitigation measures include a 2 metre closed board timber fence to be installed around the amenity area; an alternative ventilation system to ensure noise ingress can be reduced whilst vents are open and operating and internal noise criteria achieved and sound reduction glazing. If the application were to be recommended for approval a condition could be imposed requiring sound insulation works to be installed and retained thereafter to protect amenity of future residents.
- 5.5.7 It is not considered that the occupiers of the dwelling proposed would be provided with adequate quality of life, contrary to Policy D1 of the approved Maldon District LDP.

## **5.6 Trees and Landscaping**

- 5.6.1 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.6.1 The NPPF states in paragraph 136, *'Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.'*
- 5.6.2 There are 4 (Sycamore) trees to the front (north of the dwelling) proposed to be retained.
- 5.6.3 An Arboricultural Impact Assessment (prepared by Tree Planning Solutions February 2024) has been submitted as supporting documentation. The AIA concludes that, *'no trees are to be removed to facilitate construction of the proposal or access to the site'*. It further states that, *'Visual tree amenity value of the tree features is limited, the*

*trees cannot be seen clearly from the publicly maintainable highway or footway, visibility is limited to gaps within the housing from Bull Lane only, a non-thorough road with infrequent public use. The trees have little arboricultural merit and are considered self-sown specimens grown from neglect of the boundary rather than planted specimens intended for the current context. The local landscape value (screening) is reasonable. The trees provide reasonable screening value, they are large specimens that have previously been managed, the trees reduce the perceptual load of the built form and break the hard roof line of the surrounding hard landscape. The trees are not veteran, ancient, rare or unusual specimens and have little arboricultural merit. The trees can be adequately protected using temporary barriers and ground protection in accordance with BS 5837.'*

- 5.6.4 The Arboricultural Consultant has been consulted and raised no objection to the proposal stating that, *'the trees are classed as category C and no trees have been outlined to be removed to facilitate the construction. The method statement has outlined the use of suitable root pruning methods and hand tool methods. The proposed plans appear to show a footpath within the RPA of T1, T2 and T3 no information has been provided on the installation methods of this footpath within the method statement. Therefore, clarification on what methods is to be used in this installation are required'*. The Arboricultural Consultant has proposed a condition is imposed if the application is to be granted relating to the retention and protection of trees within an Arboricultural Method Statement (AMS).

## **5.7 Impact on European Designated Sites**

- 5.7.1 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast RAMS. The LPA must therefore undertake an HRA and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.7.2 The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast 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 Zol for the Essex Coat RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for 1no. dwelling, and therefore the net increase of dwellings at the site is 1no. dwelling.

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, should planning permission be forthcoming, 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 named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.

5.7.4 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £163.86 and thus, the developer contribution should be calculated at this figure.

5.7.5 A unilateral undertaking has not been drafted or signed and thus the necessary financial contribution of £163.86 per dwelling has not been secured and in the absence of a signed legal agreement to secure the aforementioned contribution, the impact of the development may not be able to be mitigated and therefore the proposal fails to accord with the LDP policy N2 accordingly.

## 5.8 Planning Balance

5.8.1 The main benefits of the proposal are considered to be the social benefits associated with the contribution the development would make to the Council's housing land supply. There would also be economic benefits. However, these benefits are limited (as only one dwelling is proposed) and would not outweigh the harm the development would cause in relation to the impact of the development on the character and appearance of the area and quality of life for the occupiers of the proposed dwelling and loss of privacy for neighbouring residential flat.

5.8.2 Therefore, the proposal would not be sustainable development, and the recommendation is refusal.

## 6. ANY RELEVANT SITE HISTORY

- None

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	We recommend the refusal of planning permission for following reasons: <ul style="list-style-type: none"> <li>• Due to bulk and scale in an inappropriate location, would result in an incongruous back land development;</li> <li>• Lack of privacy due to close proximity of neighbouring property and lack of amenity space for future occupiers;</li> </ul>	Noted.

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> <li>• Noise from neighbouring commercial property;</li> <li>• Restricted access to the site.</li> </ul>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions relating to provision of cycle parking and a developer travel information pack.	Noted and discussed at Paragraph 5.5 of this report.
Essex County Council Archaeology	No objection subject to conditions relating to archaeological assessment.	Noted and discussed at Paragraph 5.2.12 of this report.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Arboricultural Consultant	No objection subject to condition relating to detail for tree retention and protection in an Arboricultural Method Statement.	Noted.
Environmental Health	<p>Initially submitted an objection stating a noise assessment and suitable scheme of sound insulation is required to be provided.</p> <p>The applicants subsequently provided a noise assessment during course of application. The Environmental Health Officer was reconsulted and raised no objection subject to a condition that the specification of glazing and ventilation system are installed prior to first occupation of the dwelling.</p>	Noted and discussed at Paragraph 5.7 of this report.
Heritage and Conservation Specialist	No objection subject to conditions relating to materials, brickwork to be	Noted.

Name of Internal Consultee	Comment	Officer Response
	laid in Flemish bond, details of windows and doors to be approved prior to installation.	

#### 7.4 Representations received from Interested Parties

7.4.1 No representations have been received.

### 8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed development, as a result of the size and shape of the application site and the 'backland' context of the site, would appear cramped and contrived and out of keeping with its surroundings to the detriment of the character and appearance of the area, contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan and Government guidance as contained within the National Planning Policy Framework.
- 2 The proposed development would not provide an adequate quality of life for the occupiers of the proposed dwelling as a result of a lack of sufficient amenity space of an adequate quality, poor outlook and natural light. This would be contrary to Policies S1, D1 and H4 of the approved Maldon District Local Development Plan and Government guidance as contained within the National Planning Policy Framework.
- 3 The proposed development would result in a loss of privacy for neighbouring residential flats as a result of the design, layout and proximity of the proposed dwelling. This would be contrary to Policies S1, D1 and H4 of the approved Maldon District Local Development Plan and Government guidance as 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, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the approved Maldon District Local Development Plan and Government guidance as contained within the National Planning Policy Framework.