



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

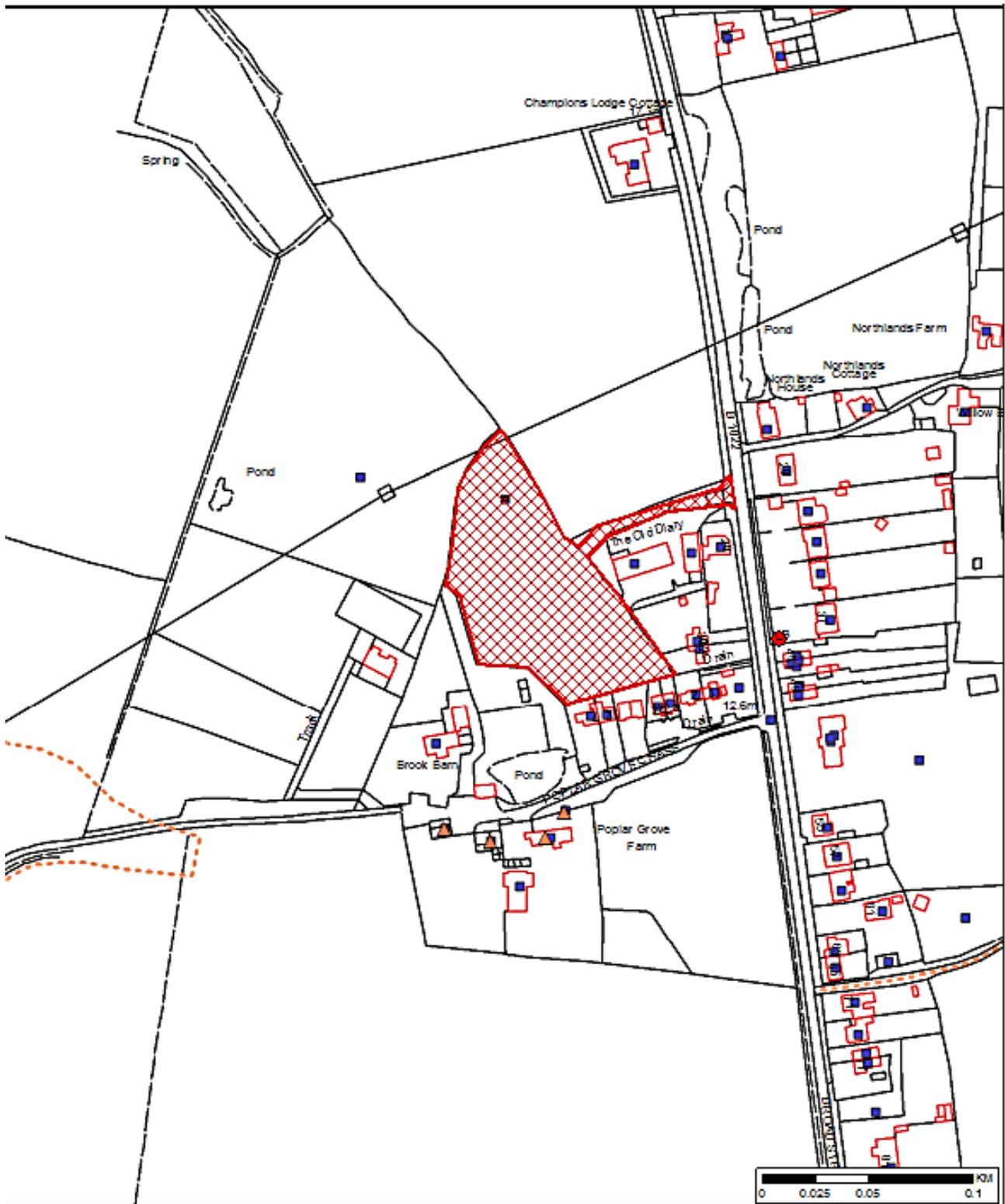
Application Number	FUL/MAL/18/01191
Location	Land North of Poplar Grove Chase Great Totham Essex
Proposal	One exemplar custom-built dwelling
Applicant	Mr & Mrs Lawson
Agent	Stanfords - Peter Le Grys
Target Decision Date	6 December 2018
Case Officer	Yee Cheung
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	The application has been called in by Cllr Keyes on the grounds of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



 <p>MALDON DISTRICT COUNCIL</p> <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	18/12/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of Broad Street Green Road it is an irregular shape and access will be taken through the former dairy which fronts onto Broad Street Green Road. The bulk of the site is located to the rear of a stretch of linear residential development which fronts Broad Street Green Road and Poplar Grove Chase and is currently used as pasture land for the grazing of donkeys. The eastern end of the site is occupied by an office building, an industrial building, and smaller outbuildings which are used for storage purposes and a catering equipment company. These buildings are accessed from the B1022 off Broad Street Green Road.
- 3.1.2 Planning permission was previously refused for the erection of one dwelling on this site FUL/MAL/16/00743. That application was appealed and was subsequently dismissed in April 2017 (reference: APP/X1545/W/16/3162966 dated 11 April 2017). The Planning Inspectorate had considered that the proposed dwelling would harm the character and appearance of the countryside and the loss of a building that could be used to provide employment opportunities on an undesignated employment site.
- 3.1.3 The current application is for the construction of an ‘exemplar custom-built dwelling’ on this plot. The principal building is in a linear form with two-storey projection to the east and a three-storey projection to the west.
- 3.1.4 The dwelling would measure approximately 43 metres in width (when measured at its widest point) and 36 .1 metres in depth. The dwelling comprises of varying roof design and heights where they range at 5.6 metres, 8.6 metres, and 9.4 metres to ridge level.
- 3.1.5 At the lower ground floor of the dwelling, a lower terrace, gym, wine cellar, snug / tv room, and a games room, and a shower room are proposed. The ground floor comprise of a plant room, carport, garage, boots room, study / games room, drawing room, formal dining room, kitchen / living room / sun room, an orangery / potting shed, and two bedroom with a shared bathroom. At first floor level, three bedrooms (all with en-suite) and two dressing rooms are proposed. There are two stairwells and a lift for access between the floor levels.
- 3.1.6 It is proposed that the dwelling will be constructed using weatherboarding, clay plain roof tiles, red facing brickwork, and aluminium powder coated windows. In some places, green grass roof will be used in the development.

3.2 Conclusion

- 3.2.1 It is considered that the proposal, by reasons of its design, scale, bulk, height, and mass would introduce a substantial dwelling into the undeveloped countryside creating a sprawl that would be harmful to the character and appearance of the rural area, contrary to policies which seeks to focus development within identified settlement boundaries. The proposal would be contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework. Further, the design of the proposal is not considered to meet the high standards required under Paragraph 79 of

the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 59-76 Delivering a sufficient supply of homes
- 77-79 Rural housing
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places

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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses. Therefore, in the absence of special circumstances, there is no justification for locating a new dwelling on a site where housing development would not normally be permitted.
- 5.1.3 The application site lies outside of the defined settlement boundaries of Heybridge and Great Totham (South). There is sporadic residential development close to the site to the south on Poplar Grove Chase, with a continuous ribbon development to the east side of Broad Street Green Road. Whilst the site lies outside the defined settlement boundaries of Heybridge and Great Totham (South), it is noted that bus services are available close by with shopping and community facilities in nearby Great Totham and Heybridge. The development site is therefore considered to be moderately sustainable in terms of accessibility in accordance with Policies T1 and T2 of the Local Development Plan; and Government guidance contained in The National Planning Policy Framework where it seeks to promote sustainable travel choice for the future occupiers of the site. This view was also supported by the Planning Inspectorate on an appeal decision APP/X1545/W/14/3001153 dated 8 April 2015 on land adjacent to 2 Poplar Grove Chase which lies approximately 110 metres to the south of the application site. Therefore the site is considered to be reasonably sustainable location in terms of accessibility.
- 5.1.4 However, accessibility is not the only aspect of sustainability and in this regard it is considered that the environmental impact of development, particularly in terms of its visual impact outweighs all other considerations and as such the proposal is not considered to represent sustainable development. This will be fully discussed below.
- 5.1.5 In relation to the above, it is noted that the applicant is attempting to utilise an exception that exists within the NPPF which might allow for residential development outside of a settlement. Paragraph 79 of the NPPF states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply.... e) the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”* For reasons that are to be discussed fully in section 5.3 below, it is considered that this exception does not apply as the dwelling is not of exceptional quality as it is not truly outstanding or innovative and would not

break new ground in terms of architecture or sustainability. Furthermore, the development would not enhance the immediate setting.

- 5.1.6 In the previous planning application FUL/MAL/16/00743 for the erection of a dwelling on this site which was subsequently dismissed on appeal by the Planning Inspectorate, the proposal required the demolition of the existing employment building and the construction of a new driveway to access the dwelling. This was not accepted as that proposal would have resulted in the *'loss of a building that could be used to provide employment opportunities and would significantly reduce the amount of land available for employment uses on an undesignated site'*. The current proposal would utilise the existing driveway to the Applicant's business and to the rear of the site to the new dwelling. Therefore the loss of employment would not be applicable to this case.
- 5.1.7 The other issues to consider when determining this application are the design of the development and its effects on the character and appearance of the rural area which will be discussed in the report below.

5.2 Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 61 of the NPPF where it requires local authorities *'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals'* and to plan for houses needed including *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'*.
- 5.2.2 The proposal seeks to construct one, five bedroom house. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (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. Policy H2 therefore 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.
- 5.2.3 The Council is therefore encouraged in Policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The principle of development would not be acceptable. The Council considers that the residential scheme proposed in this application would fail to provide smaller units for the District in accordance with the SHMA, contrary to the aforementioned policy. It is considered that the benefits of the scheme are minimal and would have limited contribution in terms of sustainability in this regard.

5.3 Design and Impact on the Character of the Area

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). 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 above principle is also set out in 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

5.3.4 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.

5.3.5 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of a large, part two and three storey detached dwelling, an extensive amenity space, and hard and soft landscaping on the site would urbanise the site to the significant detriment of the character of the area.

- 5.3.6 The application site lies to the rear of an area occupied by an industrial style building (Use Class B1) on the west side of Broad Street Green Road. Most of the site is an open field immediately to the north of houses in Poplar Grove Chase which is used as a paddock for the grazing of donkeys. The site therefore makes a contribution to the rural character of the locality and is not considered to be in need of enhancement. Access to the proposed dwelling would be via the existing junction with Broad Street Green Road and through the site which is owned and operated by the Applicant.
- 5.3.7 The application site lies outside the defined development boundaries of Great Totham and Heybridge. In terms of landscape character, the site is identified in Section B03 in the Maldon District Design Guide as ‘Lower Chelmer River Valley (A7) and Wooded Farmland Landscapes (F3). The area is characterised by large fields in predominantly flat landscape with only slightly undulating arable fields and some woodland. There are views through gaps in roadside and field boundaries, so the few scattered buildings to the north and west of the site are visible within this sensitive, open landscape. The proposal would be to the rear of existing development on Broad Street Green Road and Poplar Grove Chase. It would therefore be unrelated to any of the existing ribbon development along the road where the houses have a direct relationship with the street.
- 5.3.8 The Planning Inspectorate did not describe the site as remote, but deemed that the proposal would represent an isolated development that would result in a material incursion of built form into the open and undeveloped countryside. Although the proposed dwelling would not be especially visible from the public realm its height, bulk and substantial width, but it is likely that glimpse of the dwelling through the deciduous trees would be seen in long southerly views along Broad Street Green Road. The development would therefore appear intrusive in the surrounding landscape. It would also be highly prominent from the rear of the homes in Poplar Grove Chase. The location would not only be harmful to the appearance of the countryside but also contrary to the Council’s spatial strategy of focusing new development within settlement boundaries.
- 5.3.9 The Council has considered the Landscape Appraisal prepared by Lucy Batchelor-Wylam dated August 2018 where it comments that “*the settlement at Broad Street Green is set to change markedly if the planned North Heybridge Garden Suburb were to take place....*”. The North Heybridge Garden Suburb development and its close proximity to the application site are noted. However, it is important to note that between the application and the North Heybridge Garden Suburb is a large area of open space and landscape. The purpose of this open space / landscape is to avoid coalescence with the outer lying settlement pattern and not to conflict with the existing rural character and appearance of the surroundings including the existing landscape character. Therefore the proposed development would not integrate with this development to the south of the site to justify approval of this application.
- 5.3.10 In terms of design and appearance, the Applicant has considered the dwelling to be an ‘exemplar’ dwelling. The dwelling would be part two and three storeys in height. It is acknowledged that part of the dwelling would be sunk into the ground which means that the dwelling, when viewed in the distance, would appear as a two-storey dwelling house. The dwelling comprising of full length glazing, varying roof heights, and designs, green grass roof, and louvres is of some architectural merit, but is not

considered to be truly outstanding or innovative to outweigh the harm. In terms of design and sustainability, the use of a ground source heat pump, biomass boiler, using local traditional forms and materials is a consideration in all development proposals in accordance with Policies D1 and D2 of the LDP. With regard to the orientation of windows for solar gain, such design is not a new innovation nor is brise soleil / external louvres to reduce heat gain by deflecting sunlight.

- 5.3.11 The NPPF 2018 (Paragraph 79) advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances listed apply. This includes that the dwelling is of exceptional quality, in that it: *‘is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’*.
- 5.3.12 It is important to note that the design requirements are for ‘truly outstanding’ or ‘innovative’, ‘reflecting the highest standard of architecture’. These requirements are for above and beyond a development being attractive or of a good design.
- 5.3.13 It is not expressively clear within the Applicant’s submission as to why it is considered that the proposed dwelling should be considered as to be of such a high standard as to be considered to fall within Paragraph 79 of the NPPF. The dwelling appears to contain a number of inconsistent additions and alterations. Furthermore, the proposed development is considered to contain a number of unresolved design elements including the poor roof design, relationship between the two and single-storey elements, the fenestration choice, and palette of materials. Therefore the proposal is not considered to be either outstanding, innovative, or reflect the highest standards in architecture.
- 5.3.14 In this instance it is not considered that the features employed in the design of the dwelling or the circumstances are exceptional to merit approval. The proposal if approved will noticeably change the character of the area through residential development and associated domestic paraphernalia for car parking and private amenity area, thereby not enhancing the setting either. The development would greatly increase the adverse visual impact of this stretch of modest built development, thus detracting from the intrinsic beauty of the countryside and harming the character and appearance of the rural area. It would also result in the urban sprawl of the built form into the countryside on land that at present is rural in nature.
- 5.3.15 The Urban Design Officer has assessed the proposal and is not convinced that the proposal is outstanding or innovative promoting high levels of sustainability or raising the standard of design for the area. The proposal would therefore fail to accord with Policies S1, S2, S8, D1, and H4 of the LDP and Government advice contained in the NPPF.

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 Maldon District Design Guide (2017).

- 5.4.2 The submitted floor plans show that the land will be excavated to allow lower ground floor to be constructed. While there are full length glazing proposed to serve the gym and the snug / tv / games room, these openings will be screened by the retaining earth and therefore would not impact on the amenity of neighbouring residential properties. At ground floor where there are full length glazing on all elevations, it is not considered that the development would impinge or result in a loss of privacy or overlooking particularly to existing residential properties to the south and south west of the site along Poplar Grove Chase, this is especially true having regard to the separation distances of 30 and 40 metres.
- 5.4.3 The first floor windows to the south and south west of the building serving the bedrooms and stairwells would be approximately 50 and 60 metres away from existing occupiers at Poplar Grove Chase. It is considered that the distance coupled by proposed landscaping around the shared boundaries could mitigate the potential of overlooking and loss of privacy.
- 5.4.4 Having considered the position of the dwelling within the plot and its relationship with neighbouring residential properties, it is not considered that the development would have an adverse impact on the occupiers of those properties to warrant refusal. Therefore the proposal would accord with Policy D1 of the LDP in this respect.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 In the Vehicle Parking Standards, it states that for a dwelling with four or more bedrooms, a minimum of three parking spaces would be required. In the submitted plans, it shows that the dwelling to have two carports and a garage. Further, there will

be a large area of hardstanding to the front of the carports and a garage to accommodate further vehicles. In this respect, the proposal would accord with Policies T2 and D1 of the LDP.

- 5.5.4 The Highway Authority has assessed the application and raises no objection subject to conditions and informative being imposed should the application be approved. The conditions recommended relates to the use of unbound surface materials, preventing surface water from flowing onto the highway, and the loading / unloading / reception and storage of building materials and manoeuvring of all vehicles to avoid obstruction to the highway during construction period. Having considered the scale and nature of the site, and the location where the dwelling will be positioned, it is not considered that the conditions recommended by the Highway Authority would be relevant to this case.

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 Maldon District Design Guide SPD (MDDG) advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.

- 5.6.2 Based on the Site Plan submitted (Drawing No: PA 02 Rev D), it shows that the private amenity to be approximately 3820sqm. This exceeds policy requirement and meets Policy D1 of the LDP. On this plan, it also shows a basic diagram of trees to be retained and new trees / hedgerow to be planted. This does not show the number or the species of planting to be introduced on site. A planning condition for landscaping would be necessary to minimise the visual impact of the development should the application be approved.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), 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.

- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 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 the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.6 To accord with Natural England’s requirements, a 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, 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 – The proposal is for the construction of a five bed house**

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

Summary of Appropriate Assessment

As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it

is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.8 Other Considerations

- 5.8.1 It is noted that a letter of representation has been received in support of the application. The planning merits contained in the letter have been considered. It is considered that the benefits arising from this proposal would not outweigh the environmental harm the development would cause to the rural area.

6 ANY RELEVANT SITE HISTORY

- **FLUF/MAL/91/00293** - Closure of existing vehicular access and formation of new access. Approved: 04.06.1991
- **FUL/MAL/09/00532** - Change of use from Milk Depot to employment and light industrial (B1). Extensions and alterations to existing building. Approved: 17.08.2009
- **HOUSE/MAL/13/00292** - Erection of a timber framed single storey garage. Approved: 18.06.2013
- **COUPA/MAL/14/00554** - Conversion of office to residential units. Refused: 06.08.2014
- **FUL/MAL/15/01200** - Replace existing B1 industrial building with proposed children's day nursery and one dwelling. Refused: 26.01.2016. Appeal dismissed: 11 April 2017 (reference: APP/X1545/W/16/3154913)
- **FUL/MAL/16/00743** – One dwelling. Refused: 25.08.2016. Appeal dismissed: 11 April 2017 (reference: APP/X1545/W/16/3162966)
- **FUL/MAL/16/01231** – Extension to office building to form an attached live/work unit. Refused: 12.07.2017. Appeal dismissed: 11.08.2017
- **FUL/MAL/17/01272** - Extension to office building to form an attached live/work unit. Refused: 07.03.2018. Appeal in Progress

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Object: 1) Outside the development boundary 2) Backland development	Noted

Name of Parish / Town Council	Comment	Officer Response
	3) Excessive in scale, form and mass 4) Out of character with the surrounding area	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection subject to conditions and informative being imposed should the application be approved	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No objection subject to conditions and informatives being imposed should the application be approved	Noted
Urban Design Officer	Not convinced that the proposal is outstanding or innovative promoting high levels of sustainability or raising the standard of design for the area.	Noted in the officer report.

7.4 Representations received from Interested Parties

7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> Absurd domestic dwelling at the same location as the one previously refused An approval would have fundamentally altered the style and appearance of Poplar Grove Chase Note that there have been several applications on this site that have been refused / dismissed by the Planning Inspectorate 	Noted in the officer report

7.4.2 1 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ul style="list-style-type: none"> • Vast improvement to the site • Enhance the outlook from No. 32 Broad Street Green • It is positioned far away and avoid impact to surrounding properties 	Noted in the officer report

8 **REASONS FOR REFUSAL**

1 The proposed development is not considered to be a truly outstanding or innovative design and therefore does not meet the requirement of Paragraph 79 of the National Planning Policy Framework. The dwelling, by virtue of its location, scale, bulk and unsympathetic design, would be a visually prominent, intrusive and discordant feature within the street scene and the wider locality to the detriment of the openness of the countryside, causing unacceptable harm to the character and appearance of the rural landscape. In addition, the position of the dwelling would be out of character with the prevailing pattern of development in the locality which would have a serious and adverse effect on the visual amenity of the wider rural area failing to provide any visual enhancement to the landscape. The proposal would therefore fail to accord with Policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.