



**REPORT of
THE DIRECTOR OF PLANNING AND REGULATORY SERVICES**
to
SOUTH EASTERN AREA PLANNING COMMITTEE
13 AUGUST 2018

Application Number	FUL/MAL/18/00445
Location	Land Rear of 32 Steeple Road Mayland
Proposal	Erection of 2No. bungalows and attached garages.
Applicant	Mr Penny – Penny Homes Ltd
Agent	Andrew Pipe – Andrew Pipe Associates
Target Decision Date	EOT: 14.08.2018
Case Officer	Devan Lawson Tel: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In Cllr. Channer, Cllr. Helm Reason: Public Interest, Local knowledge and nearby planning history.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Rear Of 32 Steeple Road, Mayland
FUL/MAL/18/00445



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 31/07/2018

MSA Number: 100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The application site is situated to the southern side of Steeple Road, behind the rear garden of No. 32 Steeple Road and to the western side of Mayland Close, sited behind The Plovers and Avocet House, Mayland Close. There is an existing access to the site situated on the southwestern side of Mayland Close, which also serves The Plovers Mayland Close. The main area of the site is situated 52m from Mayland Close and measures 134m in depth and 20m in width. It has a total area of 2840m². The northern 1400m² of the site including the access is situated within the settlement boundary. The southern 1440m² of the site is situated outside of the settlement boundary.
- 3.1.2 The southern part of the site is currently overgrown with a number of dilapidated structures including a caravan and timber building. The northern part of the site appears to be used for the parking of vehicles in association with the use of the neighbouring site, Mill Motors. It is also noted that there is a structure situated to the western side of the site which is believed to currently be used as a spray painting unit.
- 3.1.3 Steeple Road and Mayland Close are made up of an eclectic mix of dwellings; there is no prevailing pattern of development in the immediate or wider vicinity of the site. Although the dwellings differ in house type, scale, architectural features and finish materials they are traditional in terms of style and design. The properties within the immediate vicinity of the site are set within reasonably large plots and front onto public highways.

3.2 Proposal

- 3.2.1 Planning permission is sought to erect 2 bungalows with detached double garages, sited to the rear of No. 32 Steeple Road and The Plovers and Avocet House Mayland Close. It is noted that the application plans show that the dwellings will have three bedrooms. However, given the provision of a study it is considered that there is potential for four bedrooms to be provided. The dwellings would be accessed via the southwestern side of Mayland Close along an existing driveway which is also used by the occupiers of Plovers.
- 3.2.2 The bulk of the properties will measure 8.9m in depth and 19.4m in width. Each property will have a front porch projection measuring 2.5m in depth and 3.5m in width which will serve the entrance to the properties. The bungalows will have an eaves height of 2.3m and a maximum height of 6m to the top of the gablet roof and will be constructed from brick, render and plain roof tiles.
- 3.2.3 The proposed detached double garages will be situated opposite the site access and will measure 6.5m in width and 6m in depth. They will have an eaves height of 2.3m and an overall height to the ridge of the gable roof measuring 4.8m. As well as the garage doors situated on the front elevations there will be a single door access on the side elevation of each garage.
- 3.2.4 Each dwelling will be provided with two open parking spaces and two spaces within the double garages.

3.3 Conclusion

- 3.3.1 The proposed dwelling on plot 1 to the south of the site would be sited outside of the defined development boundary and would result in the development of greenfield land, contrary to policy S8. Furthermore, there has been no information provided in accordance with policy H4 to justify the development of greenfield land for residential purposes. The proposed development would therefore represent the unjustified sprawl of built form into the countryside and an unnecessary visual intrusion.
- 3.3.2 Plot 2 to the north of the site is sited within the settlement boundary. However, it has not been demonstrated that there would not be an unacceptable loss of employment as a result of the development. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (MDLDP) (2017) and Government advice contained within the National Planning Policy Framework (NPPF) (2018).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- **11** **Presumption in favour of sustainable development**
- **38** **Decision-making**
- **47-50** **Determining applications**
- **79** **Rural Housing**
- **117-118** **Effective use of land**
- **124-132** **Achieving well-designed place**

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

- **S1** **Sustainable development**
- **S8** **Settlement boundaries and the countryside**
- **H4** **Effective Use of Land**
- **D1** **Design quality and built environment**
- **D2** **Climate Change and Environmental Impact of New Development**
- **T1** **Sustainable Transport**
- **T2** **Accessibility**
- **E1** **Employment**
- **N2** **Natural Environment and Biodiversity**

4.3 Relevant Planning Guidance / Documents:

Maldon District Design Guide (MDDG) (2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 The application site lies partly outside the defined settlement boundary of Mayland as identified in the Local Development Plan (LDP) as such it is considered that Policy S8 of the LDP is applicable for the bungalow proposed to the south of the site. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. 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 it is for a specific as listed under Policy S8 (a)-(m).
- 5.1.3 It is noted that the proposed development does not fall within the uses listed under Policy S8 (a-m). Therefore, the erection of a bungalow on the southern part of the site, which is outside of the defined settlement boundary, is considered to be contrary to the policies contained within the LDP.
- 5.1.4 Regard must also be had to the existing use and condition of the site. The site has a partial employment use, which is linked to Mayland Garage and Mill Motors to the north of the site. The Inspector noted in case APP/X1545/C/08/2091340 that the southern area of the site has been used the least in comparison to the wider site and that not all of the land within the site has been fully used in association with the employment use. Furthermore, on granting planning permission the Inspector imposed a condition on the southern part of the site, which is sited outside of the development boundary, to prevent any storage within this part of the site. Furthermore, additional conditions were imposed which restricted other uses to existing buildings and areas within the northern part of the site. Therefore, having regard to this it is not considered that there has been any previous lawful employment use to the southern part of the site and the site is therefore considered to be undeveloped, greenfield land.
- 5.1.5 Given that the proposal is contrary to policy S8 and would involve the development of greenfield land it is not considered that the provision of the dwelling in plot 1 is acceptable as it would result in inappropriate development outside of the settlement boundary.
- 5.1.6 Policy S8 should also be read in conjunction with Policy H4 of the LDP in relation to 'Backland and Infill Development'. The policy states that backland and infill development will be permitted if all the following criteria are met.
- 1) There is a significant under-use of land and development would make more effective use of it;
 - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;

- 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
 - 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.
- 5.1.7 The information provided with the application states that the site is vacant and the last use of the site is unknown. This is predominantly true for the southern part of the site which lies outside the settlement boundary. The applicant considers that because the site is overgrown and has no direct frontage it has no potential use other than residential dwellings. However, this is an assumption which has not been substantiated by any evidence. Greenfield land has a number of benefits and although this parcel of greenfield land has not been maintained and unlawful uses appear to have taken place at the site, this does not constitute a reason for granting permission for residential development. Furthermore, there has been no evidence provided by the applicant to satisfy the criteria of Policy H4.
- 5.1.8 The northern part of the site which is north of the proposed access is situated within the settlement boundary and therefore, policy H4 applies. This part of the site continues to be in use for the parking and storage of vehicles and the spray painting unit appears to still be in use, which accords with the permission granted under APP/X1545/C/08/2091340. Therefore, the site is still considered as an employment use and Policy E1 also applies.
- 5.1.9 Policy E1 of the LDP states Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:
- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or
 - 2) The site would have a greater benefit to the local community if an alternative use were permitted; or
 - 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.
- 5.1.10 The siting of one bungalow in this locality would involve the removal of two of the units which were conditioned as the only areas to be used for the storage and maintenance of the vehicles and also part of the area highlighted for vehicle parking. It is appreciated that a period of 9 years has elapsed since the Inspector's Decision. However, the Inspector does note that a fundamental part of the appellant's case was that the land is necessary for the continued operation of Mill Motors Garage. Therefore, as it has not been demonstrated that the loss of these buildings for employment use would not have a detrimental impact on the viability of the existing employment use, it is considered to take a precautionary stance. If the floorspace is lost and this impacts upon the viability of the enterprise at the site, this could affect the ability to provide employment opportunities at the site which would undermine the intentions of policy E1. It is noted that the applicant could seek to re-provide this accommodation elsewhere on land within their control, but such a development would

require a further planning permission to be granted and no guarantee can be provided in relation to the success of such an application. Therefore, it is considered that it has not been demonstrated that the proposal would not result in an unacceptable loss of employment, contrary to policies H4 and E1.

- 5.1.11 Overall, it is considered that the bungalow proposed to the south of the site as a result of it being sited outside the settlement boundary would result in unacceptable development upon greenfield land. Furthermore, the proposed dwelling to the north of the site would result in a loss of employment and there has been no evidence provided to demonstrate that the proposal adheres to the criterion of policies E1 and H4. Therefore, the principle of development cannot be established.

5.2 Housing Need

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of 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.
- 5.2.3 Policy H2 of LDP contains a policy and preamble (paragraph 5.2.2) which 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, with around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. In this respect, the proposal would not meet this policy requirement and therefore, is of negligible benefit in terms of improving the Council's housing stock.

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, livable 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. This is supported by policies D1 and H4 of the MDLDP and the MD DG.
- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.
- 5.3.5 Part of the application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 Part of the application site is located outside of the settlement boundary of Mayland, it is a long strip of land behind and between established residential developments and the land abuts the settlement boundary. The land to the south of the site which would accommodate Plot 1 is undeveloped, greenfield land. Although the proposal has no road frontage and would not be highly visible from within the public realm it is considered that the proposal would result in the domestication of the site and the countryside and the sprawl of built form, which would result in material harm to the character and appearance of the countryside.
- 5.3.7 Steeple Road and Mayland Close are made up of an eclectic mix of dwellings; there is no prevailing pattern of development in the immediate or wider vicinity of the site. Although the dwellings differ in house type, scale, architectural features and finish materials they are traditional in terms of style and design. The properties within the immediate vicinity of the site are set within reasonably large plots. The majority of the dwellings front the public highway. However No. 28 Steeple Road is situated to the rear of Mayland Garage and does not front the highway. Given the siting of this dwelling it is not considered that the proposal would be contrary to the grain of development within the area and therefore, an objection is not raised on that specific ground.
- 5.3.8 The proposed dwellings in terms of their scale and bulk are considered to be proportionate to their plot size and the surrounding properties which are a variety of single storey and two storey properties. The plot sizes of the surrounding sites differ in terms of their area. For example No. 34 Steeple Road has an overall site area of 552.7m² and No. 32 Steeple Road a site area of 738m², which are considered to be the smaller plots within the vicinity. The largest plot within the immediate vicinity of the site is No. 28 Steeple Road which has an area of 5,540m² and is set to the rear of Mayland Garage. Plot 1 of the proposed development has an area of approximately 924m² and Plot 2 and area of 1,500m². Given the varied plot sizes within the vicinity of the site, which have differing scaled dwellings, it is considered that the proposed dwellings do not represent the overdevelopment of their plots.

- 5.3.9 In terms of design, the proposed dwellings are considered to be of adequate architectural merit and somewhat traditional in appearance. Whilst it is noted that the proposed gabled roof would be a new architectural feature to this part of Steeple Road and Mayland Close, given that there is no set architectural character for the neighbouring dwellings it is not considered that this would materially alter the character and appearance of the area. The bungalows would be constructed from brick and render, which are common materials for the surrounding area of Mayland and of the dwellings found in Steeple Road and Mayland Close.
- 5.3.10 The proposed dwellings would not be highly visible from within the public realm, with the exception of the proposed garages which there would be glimpses of from within Mayland Close. However, this would not be out of keeping with the wider character of Mayland Close.
- 5.3.11 Therefore, whilst the proposal is considered visually acceptable in many respects the proposed development is considered to represent the unjustified sprawl of built form into the countryside and is therefore, contrary to policies S8, D1 and H4.

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 overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers. This is supported by the MDDG.
- 5.4.2 The application site has five adjacent neighbouring properties. To the east of the site are Plovers and Avocet House, Mayland Close. The dwelling in plot 2 would be situated 28m from the rear of the dwelling at the Plovers and would be situated 16.8m from the rear wall of Avocet House. There are no first floor windows proposed as part of the development due to the single storey nature of the proposals. The ground floor windows facing Plovers and Avocet House serve a seating area and the kitchen. Whilst it is noted that there will be views into the application site from both the Plovers and Avocet House, particularly from the first floor windows it is not considered that there would be any undue harm as a result of overlooking as a result of the separation distance between the proposal and the neighbouring properties. The significant separation distance, the height and the siting of the proposed dwellings to the rear of the dwellings within Mayland Close are also considered to prevent the proposal from having an overbearing impact on the neighbouring occupiers or cause a significant loss of light.
- 5.4.3 The access to the site is existing, although not in use, and is sited adjacent to The Plovers and Avocet House. The side wall of Plovers would be situated 3.6m from the access and the southeastern elevation of Avocet House would be 7.5m from the access. Given that the access exists, would serve a limited number of dwellings and is situated a fair distance from the neighbouring properties it is not considered that the occupiers of the neighbouring properties would be subject to any undue harm by increased noise or disturbance, as a result of increased vehicle movements to an extent that would justify the refusal of the applications on these grounds.

- 5.4.4 To the west of the site is 28 Mayland Close. The dwelling within Plot 2 would be situated 4.4m from the boundary shared with No.28. It is noted that the dwelling within Plot 2 would be sited to the east of No. 28 and would extend 9.4 further than the rear elevation of No. 28. However, given the single storey height of the proposal and that the neighbouring amenity space is extensive in both width and depth, it is not considered that the proposal would cause any detrimental increase in overlooking or loss of light and would not be considered to be overbearing.
- 5.4.5 To the northeast of the site is Bunting Lodge. The dwelling within Plot 2 is situated 16m from the boundary shared with Bunting Lodge. Given that the proposal adjoins the southwest corner of the neighbouring property and is set a fair distance from the neighbouring dwelling it is not considered that there would be any adverse impacts by way of overlooking or loss of light and the proposal is not considered to have an overbearing impact on the occupiers of Bunting Lodge.
- 5.4.6 To the north of the site is a commercial site which Mill Motors, an MOT testing centre, car garage and vehicle repair centre, and Mayland petrol Garage operate from. The dwelling within Plot 2 would be situated 17.9m from this boundary situated to the north. It is not considered that the proposal would be subject to any undue harm as a result of overlooking or loss of light, or that the neighbouring use would have an overbearing impact on the occupiers.
- 5.4.7 It is noted that Environmental Health has considered that a noise impact assessment is necessary in order to determine the suitability of the proposal in terms of harm resulting from unacceptable noise. However, given that there are a number of residential properties situated within similar proximity to the neighbouring commercial site such as Nos. 30 and 34 Steeple Road and that the dwelling at No. 34 is situated just 3.6m from the neighbouring use whereas the dwelling at Plot 2 would be situated 17.9m from the commercial site it is not considered reasonable to refuse the application on such grounds.
- 5.4.8 For the reasons discussed, it is not considered that the proposed development will result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers, nor will it result in unacceptable noise levels for the future or neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 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 proposed development would utilise an existing access off of the western side of Mayland Road. Given the pre-existence of the access which would also provide suitable turning facilities, it is considered that the access is acceptable in terms of highway safety. This is considered to be in accordance with the view of the Local Highway Authority.

5.5.3 It is noted that there have been neighbour objections in regards to this due to ownership disputes. However, this is not a planning consideration and should be dealt with as a civil matter between the applicant and neighbouring site owners.

5.5.4 The recommended parking provision standard for a four bedroom dwelling is a maximum of two car parking spaces. Each dwelling would be provided with a double garage and two parking spaces. Therefore, the proposal would provide sufficient parking.

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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).

5.6.2 The rear amenity space provided for Plot 1 would measure 730m² and the amenity space for Plot 2 would measure 374m². Therefore the proposal is in accordance with Policy D1 and the MDDG in terms of amenity space.

5.6.3 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the LPA.

5.7 Contamination

5.7.1 Part of the site has been used for the storage of vehicles as well as repair works and resprays. Therefore, there is potential for there to be contamination at the site. However, it is considered that this can be dealt with via conditions and is therefore not a sound reason to refuse the application.

5.8 Trees

5.8.1 There are 7 trees to be removed as part of the development and also the northern section of the hedge on the western boundary. The tree species consist of White Poplar, Goat Willow, Elm, Elderberry, Pera and Oak. Whilst these trees do offer some amenity to the surrounding area, they are considered to be of low quality. Furthermore, there are other trees within the vicinity of the site which will continue to contribute to the amenity of the area and thus the character and appearance of the site would not be materially harmed. Therefore, there is no objection to the removal of those trees.

5.8.2 The information provided with regards to protecting the retained trees is considered limited as it does not offer sufficient detail as to how the fencing and ground protection will be achieved and implemented. For instance T1, T5 and H21 and shown on drawing PH/SRM/01 are in third party ownership and the report fails to identify the impacts of the works on those trees. The tree protection plan also does not identify the root protection area of T1 and T5, which requires consideration. Likewise, the root protection area for H1 is shown and comment is provided on the tree protection plan for additional ground protection. However there is no detail to

say what this or any detail to demonstrate how the overhang will be protected from the risk of collision damage during the works. Therefore, it is considered that a condition should be applied requesting details of tree protection.

5.9 Ecology

- 5.9.1 The application has been supported by an Ecological Appraisal a Great Crested Newt eDNA Survey Report. The Ecological Appraisal considers that site has potential to support nesting birds, foraging and commuting bats, reptiles and great crested newt (GCN). There is no other habitat on or immediately adjacent to the site that shows potential to support any other protected flora or fauna. The Ecological Appraisal provides recommendations to ensure ecological enhancement such as preventing the use of concrete and timber panel fences. Having regard to this a condition should be applied requesting details of boundary treatments which should have regard to the findings of the report.
- 5.9.2 The Great Crested Newt eDNA Survey Report concludes that Great Crested Newts are likely to be absent from the site and so the impact on the species as a result of the development is low.
- 5.9.3 Having regard to these findings it is not considered that the proposal would result in the loss of any important ecological interests subject to a scheme of ecological mitigation being submitted to and agreed by the LPA. Therefore, the proposal is considered to be in accordance with Policy E4 and N2 of the LDP. However, a condition should be applied requesting a walkover survey prior to any development and a scheme of protection, enhancement and mitigation to be submitted to and agreed by the LPA, to ensure that there is no harm to any protected species.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/93/00484** – Change of use of land from domestic curtilage to forecourt and the erection of a 1.8m high screening fence with gates – Approved
- **APP/X1545/C/08/2091340** - The change of use of the land for the parking, storage, repair and maintenance of vehicles and the storage of vehicle parts and other miscellaneous items on land at 32 Steeple Road, Mayland - Planning Permission granted subject to conditions imposed by the Inspector.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<ul style="list-style-type: none"> • Object: Backland Development • Outside settlement boundary • Intrusion on neighbouring 	<ul style="list-style-type: none"> • Please see section 5.3 • Please see section 5.1 • Please see section 5.4 <p>This is the first</p>

Name of Parish / Town Council	Comment	Officer Response
	properties <ul style="list-style-type: none"> • Long planning history on the site of refusal for similar development. 	application the Council has received for residential development on this site.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	Given the pre-existence of a suitable site access and the area being made available for vehicle parking and turning there is no objection	Please see section 5.5
Natural England	No Comments to make. Refer to standing advice	Noted. Please see section 5.9

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns regarding: <ul style="list-style-type: none"> • unacceptable noise • Contamination 	Please see section 5.4 Please see section 5.7
Tree Officer	Trees are of low quality. Further information required regarding tree protection	Please see section 5.8

7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application for the following reasons:

Objection Comment	Officer Response
Insufficient access width and visibility including emergency access	Please see section 5.5. It is also noted that the Local Highway Authority have raised no objection and considered the access to be safe.
Ownership disputes over the access	This is a civil matter and cannot be dealt with via the planning system
Below the water table – increase in surface water and fluvial flooding	The site is situated outside of Flood Zones 2 and 3. However a condition can be imposed regarding surface water drainage
Overlooking	Please see section 5.4
Contamination risks	Please see section 5.7

Potential harm to ecology	Please see section 5.9
Existing use of the site is not permitted during the hours it is operated	This is not a matter that relates to this application.
The dwellings would mean that the existing use of the site would have to be moved closer to the neighbouring premises.	There is no evidence to suggest that any buildings within the site are proposed to be relocated. Any new structures would require planning permission and would be subject to a full assessment including impact on neighbouring amenity.
Outside of development boundary	Please see section 5.1
Traffic increase on Steeple Road	It is considered that the provision of 2 dwellings would provide a minimal increase in vehicle movements.
Precedent for future development	The application should be determined on its own merits and the existing situation. Speculation of potential future developments cannot form the basis of decision making.

8. **REASON FOR REFUSAL**

1. Part of the application site lies outside of the defined settlement boundary of mayland where policies of restraint apply. The council can demonstrate a five year housing land supply to accord with the requirements of the national planning policy framework. The site has not been identified by the council for development to meet future needs for the district and does not fall within either a garden suburb or strategic allocation for growth identified within the Maldon district local development plan to meet the objectively assessed needs for housing in the district. The proposal would therefore, represent the unjustified encroachment of built form into the countryside, with associated visual impacts. Furthermore, there has been no evidence provided to demonstrate that the proposal would not involve the unacceptable loss of employment or that there is a significant under-use of land. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and government advice contained within the National Planning Policy Framework (2018).