



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

Application Number	FUL/MAL/19/00224
Location	Land Rear of 32 Steeple Road, Mayland
Proposal	Erection of 2 No. bungalows, attached garages and erection of workshop (B1)
Applicant	Mr Penny – Penny Homes Ltd.
Agent	Mr M Jackson – Mark Jackson Planning
Target Decision Date	24.05.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call in: Councillor M Helm Reason: Public Interest

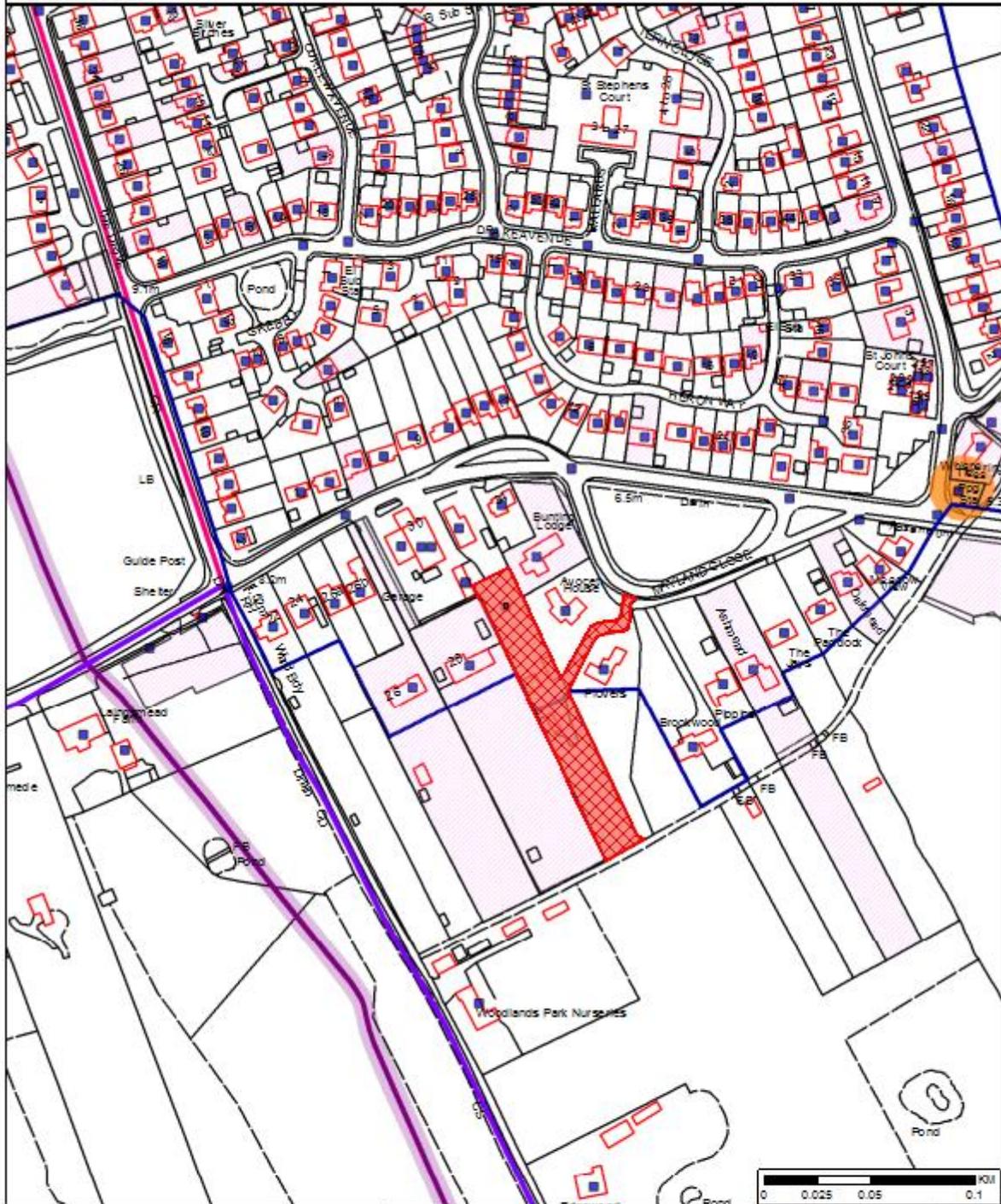
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Rear of 32 Steeple Road
19/00224/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	26/04/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is an irregular shape measuring 0.53ha in area. It 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 and access is also available from the southern side of Steeple Road along the eastern side of No. 30 Steeple Road.
- 3.1.2 There are two areas of the application site, that which is within the settlement boundary and that which is outside of it. The area to the north of the access road measures 0.38ha and consists of Mill Motors and Mayland Garage, a commercial site which has a number of buildings and is also used for the parking of vehicles in association with the use of the site. This area of the site is within the defined settlement boundary.
- 3.1.3 The area to the south of access road is located outside of the defined settlement boundary and measures 0.15ha. The southern part of the site is currently overgrown with a number of dilapidated structures including a caravan and timber building.
- 3.1.4 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.

Proposal

- 3.1.5 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 and to construct a workshop building for a use falling within Use Class B1 (offices, research and development of products and processes and light industry appropriate in a residential area).
- 3.1.6 It is noted that the application plans show that the proposed 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 The Plovers.
- 3.1.7 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.

- 3.1.8 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.
- 3.1.9 Each dwelling will be provided with two open parking spaces and a double garage.
- 3.1.10 The proposed workshop building would be located to the north of plot 2, adjacent to Bunting Lodge and to the south of No. 32 Steeple Road, replacing the buildings and parking area which currently exists in this part of the site. The building would measure 8.3m in width and 8.2m in depth. It would have an eaves height of 2.4m and a ridge height of 5.6m and would be constructed from brick. There would be a window on the southern elevation and both a roller shutter and standard entrance door on the western, principal elevation. Two vehicle parking spaces are proposed outside of the workshop. In order to make way for the building two existing buildings will be demolished.
- 3.1.11 It is proposed that the workshop will be used for mechanical works and servicing, with no outside working, and will operate between the hours of 0800 and 1700 Monday to Friday, 0800 and 1300 hours Saturday and being closed on Sundays and Bank Holidays.
- 3.1.12 The submitted block plan shows that the workshop would be separated from the proposed dwellings by a form boundary treatment which has not been specified.
- 3.1.13 The application follows the refusal of a similar proposal (FUL/MAL/18/00445) which was refused by the South Eastern Area Planning Committee on the 13th August 2018 for the following reason:
- '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).'*
- 3.1.14 The proposal subject of this application now includes the replacement of the workshop building discussed above. However, the proposed dwellings have not been altered in relation to the previous application.

3.2 Conclusion

- 3.2.1 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. Furthermore, the development does not provide sufficient vehicle parking for the proposed dwellings and would therefore increase the levels of on street parking to the detriment of highway safety and the free flow of traffic. The development would therefore be unacceptable and contrary to policies S1, S2, S8, H4 and T2 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 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- E1 Employment
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is 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 purpose 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 It is noted that the site is adjacent to the development boundary, but as a matter of fact it is outside of the settlement boundary. The boundaries have only recently been confirmed as a result of the approval of the LDP in 2017 and therefore, it must be deemed that the boundary was deemed to be in the appropriate location, balancing the needs of housing provision and environmental/landscape protection.
- 5.1.5 By being in close proximity to the development boundary, it is noted that the site is in reasonably close proximity to the services, facilities and public transport connections of Mayland. Therefore, having regard to the content of policy T2, no objection is raised to the proposal on the grounds of accessibility, but it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that will be discussed below.
- 5.1.6 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 located within the northern part 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. Moreover, 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.

- 5.1.7 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.
- 5.1.8 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.
- 5.1.9 The information provided with the application states that the south part of the site is vacant and that the northern part of the site has an existing commercial use including an existing repair workshop and parking for up to 15 vehicles associated with Mill Motors. The information also suggests that the site has a clear under use. At paragraph 5.3 of the submitted planning statement it says '*Economically, environmentally, socially and historically the removal of the extant parking of vehicles, some of them fairly old and uneconomical to repair but are useful for parts, and HGV's that are no longer suitable for commercial transport of goods, all amounts to significant under-use.*' However, there has been no evidence to substantiate this claim to satisfy the criteria of Policy H4. Furthermore, this is also not relevant to the southern part of the site which, as established above, is considered to be greenfield land and also for the purposes of policy is located in the countryside. Greenfield land has a number of benefits and although this parcel of greenfield land has not been maintained and unlawful uses appears to have taken place at the site; this does not constitute a reason for granting permission for residential development.
- 5.1.10 Despite the proposal being contrary to the above mentioned policies, the applicant has stated that due to the need for single storey homes in the District that permission for a bungalow outside the settlement boundary should be granted.

- 5.1.11 It is noted that since the last application was determined the Maldon District Specialist Needs Housing SPD September 2018 has been adopted. The SPD highlights that there is a higher demand for one and two bedroom bungalows over supported housing for those who are considering moving and a demand for bungalows for disabled households. The SPD also highlights that bungalows could help meet the needs for both older people and those with specialist needs, but they are not readily available in the general housing stock and are often more expensive due to their limited availability.
- 5.1.12 Whilst it is noted that the proposed bungalows would help meet this requirement to some extent, they would represent market housing and there has been no evidence put forward to suggest that they would be affordable or that they would meet the requirements of policy H3 Specialist Needs Housing. Therefore, whilst the provision of two bungalows can be attributed some weight, it is not considered that the provision of a single four bedroomed bungalow outside of the settlement boundary would constitute a reason for granting inappropriate development outside of the settlement boundary.
- 5.1.13 The northern part of the site, which is north of the proposed access, is situated within the settlement boundary and therefore, policy H4 applies. The supporting information states that two existing workshops within this part of the site are proposed to be demolished. It is believed that this part of the site currently 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.
- 5.1.14 Policy E1 of the LDP relates to the loss of existing employment uses. The proposal would involve the removal of two of the units within the northern part of the site, 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. However, these units would be replaced with one workshop building which would be used for B1 purposes. The information submitted with the application suggests that the eight employees currently employed at the site will be retained and the floorspace of the proposed workshop will be equal to the existing. However, the plans suggest that the existing buildings have a combined floor area of 107m² and consequently there would be some loss of floorspace. Nevertheless, taking a pragmatic stance it is noted that one of the buildings is dilapidated and would require significant repair which would likely require planning permission to put it back into use. Therefore, it is unlikely that the building would continue to be used in association with the commercial use of the site, and as the site is currently functioning without this building, and there would be no loss of employees, it is not considered that there would be a loss of employment resulting from the development. Therefore, it is considered that it has been demonstrated that the proposal would not result in an unacceptable loss of employment and in this regard the proposal would be in accordance with policies H4 and E1. A condition to require the delivery of the B1 building would be appropriate to impose.
- 5.1.15 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. Whilst the proposal would provide two

bungalows, it is not considered that the provision of a single four bedroom bungalow outside of the settlement boundary would provide benefits which would provide reasoning for inappropriate development outside the settlement boundary. Therefore, the principle of development cannot be supported.

5.1.16 Other material considerations will be discussed below.

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 the 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 in terms of dwelling size. Matters relating to the provision of bungalows have been addressed above.

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. The NPPF states that:

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

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

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 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.
- 5.3.7 The application site is a strip of land behind and between established residential developments and 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.
- 5.3.8 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.

- 5.3.9 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 910m² and Plot 2 has an area of 1,400m². 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.
- 5.3.10 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.
- 5.3.11 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.
- 5.3.12 In terms of the proposed workshop, the building is considered to be modestly sized and would not be out of keeping with the existing commercial use of the site. It is noted that an objection has been received in relation to the height of the proposed workshop. However, at a maximum height of 4.8m it is not considered that the height of the building is excessive or out of keeping with the surrounding area. Furthermore, the construction of the proposed workshop would also involve the removal of two existing buildings which are both considered to be unsightly and therefore, the proposed workshop would represent a visual improvement to the site. Therefore, subject to a condition requiring the demolition of both of the existing buildings, if the application were to be approved, there is no objection to the proposed workshop building.
- 5.3.13 Whilst the proposal is considered visually acceptable in many respects the proposed development as a result of the siting of plot 1, is considered to represent the unjustified sprawl of built form into the countryside and is therefore, contrary to policies S8, D1 and H4.

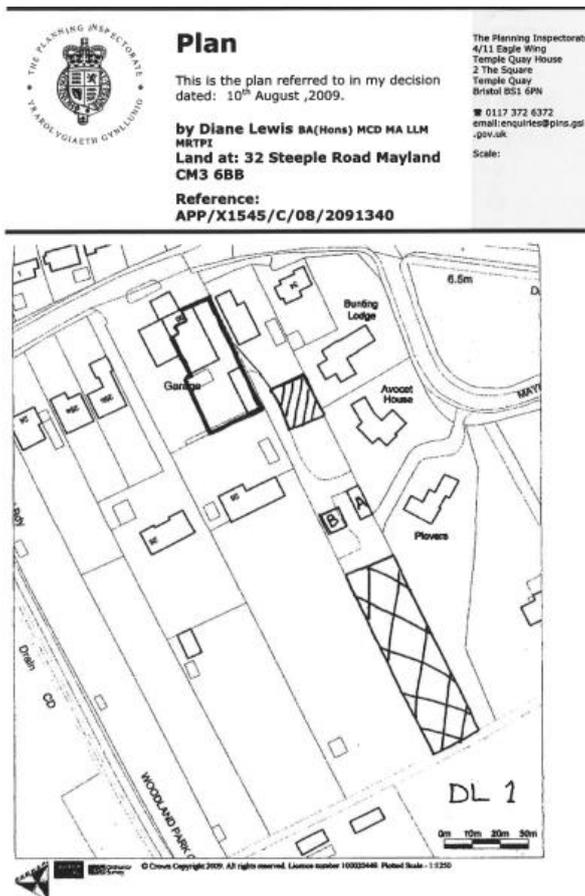
5.4 Impact on Residential Amenity

- 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 privacy, overlooking,

outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.4.2 The application site has six adjacent neighbouring properties. To the east of the site are The 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 The 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 due to 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 proposed dwellings is existing, although not in use, and is sited adjacent to The Plovers and Avocet House. The side wall of The 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 Within the northern part 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 proposed workshop will be located within this commercial site at a distance of 19.3m from the proposed dwelling within plot 2. Furthermore, the workshop would be located 7.7m from the dwelling at Bunting Lodge, 1.7m from the shared boundary and 19.7m from No. 30 Steeple Road to the north and 1.63m from its shared boundary. Avocet House to the southeast would be a minimum of 15m from the proposed workshop.

- 5.4.7 In terms of the proposed workshop, which is intended to be used for B1 purposes, including mechanical works and servicing, it is not considered that the proposed dwelling at plot 2 or the neighbouring dwellings 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. Furthermore, it is not considered that the proposed use will result in significant increased harm in relation to the use already permitted within this part of the site as the proposed use is not considered to be more demonstrably harmful than the existing activities at the site, which as imposed under condition 5 of APP/X1545/C/08/2091340, is for vehicle repair and maintenance work within the existing buildings. In addition it is noted that the applicant has expressed that the workshop will be used internally only, which will accord with this and could be conditioned if the application were to be approved. Also, by definition B1 uses are expected to be compatible with a residential setting.
- 5.4.8 A number of objections have been raised in relation to pollution at the site including noise. Given that the use can be restricted to within the building and the hours of operation will be between 08:00 hours and 18:00 hours on weekdays, 08:00 hours and 13:00 hours on Saturdays and not at any times on Sunday and Bank Holidays, which could be conditioned, it is not considered that there will be a significant increase in pollution including noise and light pollution as to warrant refusal of the application.
- 5.4.9 Environmental Health has been consulted on the application and has reached a similar conclusion to the above. Therefore, subject to conditions it is not considered that the proposed workshop would cause undue harm to the amenity of neighbouring occupiers.
- 5.4.10 It should also be noted that condition 4 of APP/X1545/C/08/2091340 states that vehicle parking shall not take place other than within the area hatched black on plan DL1 (below) in the interest of safeguarding living conditions. Having regard to this it is considered that if the application were to be approved then a condition should be imposed ensuring that the parking spaces are used in connection to the workshop only and not for the long term storage of vehicles.



5.4.11 In addition to the above, 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. 30 is situated just 3.6m from the neighbouring use whereas the dwelling at Plot 2 would be situated 17.5m from the commercial site it is not considered reasonable to refuse the application on such grounds.

5.4.12 In relation to the access to the proposed workshop, which will be taken from the south of Steeple Road, it is not considered that there will be a significant increase in vehicle movements resulting from the proposed workshop and therefore, although the existing access is in close proximity (1.5m) to the dwelling at No. 32 Steeple Road, it is not considered that the level of harm resulting from noise and light pollution from passing cars will be demonstrably greater than what currently exists at the site. Therefore, there is no objection on those grounds.

5.4.13 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 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 are 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 It should be noted that since the determination of the previous application the Council has adopted the Maldon District Council Vehicle Parking Standards SPD which include minimum parking requirements opposed to maximum and have increased the required dimensions for garages and bay sizes. These standards now form a material consideration.
- 5.5.4 The recommended parking provision standard for a four bedroom dwelling is a minimum of three car parking spaces. Each dwelling would be provided with two parking spaces which meet the parking bay size requirements. However, a double garage should measure 6m x 7m, whereas the proposed garages would measure 6.5m x 6m. Therefore, there is a shortfall of two spaces, one for each dwelling.
- 5.5.5 Although the garages have not changed in size in relation to application FUL/MAL/18/00445 and were previously found to be acceptable, the vehicle parking standards have been updated to include bigger garage sizes to accommodate modern cars and to provide sufficient room for door opening. The adopted Vehicle Parking Standards state that for garages to count towards car parking provision on new developments, the garage must meet the minimum internal dimensions in the SPD. It is also noted that the application has been proposed as No.2 three bedroom dwellings. However, as outlined above the provision of the study provides the opportunity to create a four bedroom dwelling and therefore, the application must be assessed on those grounds. Therefore, although the site is located within an accessible location, the lack of sufficient vehicle or cycle parking provision at a site would likely result in vehicles being parked on the highway to the detriment of the free flow of traffic and highway safety. This is contrary to policy T1 and T2 of the LDP and therefore, the application should be refused on those grounds.
- 5.5.6 The proposed workshop will provide two vehicle parking spaces. The adopted Vehicle Parking Standards state that a B1(c) use should provide 1 parking space per

50m². As two parking spaces will be provided adjacent to the workshop it is considered that this requirement has been met. However, the proposed development would result in the loss of three car parking spaces in total, two light goods vehicles spaces and four cycle spaces being proposed. Nevertheless, although the site currently has 13 spaces, at least four of these are not lawful as they conflict with condition 4 of APP/X1545/C/08/2091340, which states that vehicle parking shall not place other than within the area hatched black on plan DL1 (above). Therefore, it is not actually considered that the proposal would result in the loss of parking and two additional parking spaces would be provided. However, given the concerns previously raised by the Inspector it is considered that if the application were to be approved that a condition should be imposed linking the parking spaces to the use of the workshop as discussed above.

- 5.5.7 The proposed development would utilise two existing accesses one off of the southern side of Steeple Road and one off of the western side of Mayland Road. Given the pre-existence of both accesses, which would also provide suitable turning facilities, it is considered that the access is acceptable in terms of highway safety. This is in accordance with the view of the Local Highway Authority. However, if the application were to be approved a condition should be applied ensuring that the proposed housing is separated from the commercial site to the north by a form of boundary treatment to prevent traffic passing through the site.
- 5.5.8 It is noted that there have been neighbour objections in regards to the provision of the access to the proposed dwellings 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.
- 5.5.9 A number of concerns have also been raised by objectors in relation to emergency vehicle access. Essex County Fire and Rescue Service have been consulted on the application and raise no objection to the proposed access, although this is not a relevant planning matter as it is something that is dealt with under different legislation (Essex Act 1987) and through the building regulation process. Nevertheless, if the application were to be approved informatives should be included advising the applicant that extra water supplies for firefighting purposes may be necessary at the site and that the use of Automatic Water Suppression Systems are recommended.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The rear amenity space provided for Plot 1 would measure 770m² and the amenity space for Plot 2 would measure 387m². 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 would be imposed, should the application be approved, to ensure that details are submitted and approved by the Local Planning Authority (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 to how the fencing and ground protection will be achieved and implemented. For instance, T1, T5 and H21 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 if planning permission were to be granted

5.9 Ecology

- 5.9.1 The application has been supported by an Ecological Appraisal and Great Crested Newt eDNA Survey Report. The Ecological Appraisal considers that the 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.

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

- 5.10.1 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 Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘Zones of Influence’ of these sites cover the whole of the Maldon District.
- 5.10.2 Natural England anticipate that, in the context of the LPA’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 sites 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.
- 5.10.3 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.
- 5.10.4 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.
- 5.10.5 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.
- 5.10.6 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 two dwellings

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

- 5.10.7 As a competent authority, the LPA 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

- 5.10.8 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.

5.11 Other Matters

- 5.11.1 The proposal includes areas for bin storage within the rear gardens of the proposed dwellings which is considered to be conveniently located for residents and would not cause harm to the character and appearance of the area in accordance with C09 of the MDDG. Whilst it would be somewhat inconvenient for residents to take wheelie bins to the edge of Mayland Close as required, this is not an unusual requirement for backland development and given that there is sufficient space to store the containers and bins within the site it is not considered that they would be left in unsightly locations within the streetscene. Therefore, it is not considered reasonable to object on those grounds.

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.
- **FUL/MAL/18/00445** - Land Rear of 32 Steeple Road Mayland. **Refused.**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<p>Object</p> <ul style="list-style-type: none"> - Backland Development - Outside the settlement boundary <p>-Intrusion on neighbouring properties</p> <p>-Long history of refusal for similar developments at the site</p>	<p>-These points are addressed at sections 5.1 and 5.3</p> <p>-Addressed at section 5.4</p> <p>-This is noted and whilst it is considered that previous concerns in relation to the loss of employment have been overcome, the proposal still represents unjustified and unacceptable urban sprawl into the countryside.</p>

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection as the access is pre-existing and there is provision for vehicle parking and turning	Noted and addressed at section 5.5

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue	<p>Access for the Fire Service has been considered in accordance with the Essex Act 1987.</p> <p>Additional water supplies for fire-fighting may be necessary and the applicant should contact the Water Technical Officer at the Service Headquarters.</p> <p>The installation of Automatic Water Suppression Systems (AWSS) should be considered.</p>	Addressed at section 5.5
Natural England	A Habitats Regulation Assessment Should be undertaken	Noted and addressed at section 5.10

7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	It would be preferable for all commercial activity on the development site to cease in lieu of residential use. However, in view of the appeal decision (APP/X1545/C/08/2091340) and the current lawful use, there is no objection to the proposal subject to conditions	Addressed at section 5.4
Tree Consultant	Trees are of low quality. Further information required regarding tree protection	Please see section 5.8

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Waste Management	No objection. However, residents will be required to present their waste and recycling for collection at the edge of the existing driveway access and enough room should be available to present up to 4 wheeled bins for waste.	Noted and addressed at section 5.11

7.4 Representations received from Interested Parties

7.4.1 8 letters were received **objecting** to the application from **five different persons** and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Access would be taken from Mayland Close. The close could not sustain on street parking.	Addressed at section 5.5
The access to the dwellings would be on a bend which does not provide acceptable visibility.	The proposal utilises an existing access which serves another dwelling and the Local Highway Authority have no objection to. Therefore, there is no objection in this regard.
The site is subject to surface water flooding due to it being located on the site of the upper mill pond.	The site is situated outside of Flood Zones 2 and 3. However a condition can be imposed regarding surface water drainage if deemed necessary.
There will be unacceptable noise and visual impacts.	Addressed at sections 5.3 and 5.4
Proposal is for commercial gain.	This is not a planning consideration.
Query as to why site notices were not put up at the site.	Two site notices and two amended site notices were put up, one on Steeple Road and one in Mayland Close. Photographic evidence is available on the Council's website.
Proposal represents unjustified encroachment into the countryside and unacceptable development on greenfield land	Addressed at section 5.3

Objection Comment	Officer Response
<p>There would be increased traffic on Steeple Road.</p> <p>The proposed workshop is too high.</p> <p>The hedgerows referenced in the planning statement could be removed at any time.</p> <p>If the proposal includes stairs there would be a privacy issue.</p> <p>If the application were approved details of tree protection would be needed.</p> <p>The planning statement describes the bungalows as attractive. This is personal opinion.</p> <p>Proposal would set a precedent for future development.</p>	<p>It is not considered that two dwellings will result in a significant increase in vehicle movements to a degree which would cause concern.</p> <p>Addressed at section 5.3 & 5.4</p> <p>This is noted. However, the visibility of the site is discussed at section 5.3</p> <p>The proposal does not include stairs and as permitted development rights could be removed preventing the construction of any openings or dormer windows within the roofscape.</p> <p>Addressed at section 5.8</p> <p>Design is addressed at section 5.3</p> <p>The proposal must be assessed on its own merits.</p>
<p>The correct ownership has not been served. Penny Homes Ltd does not have legal entitlement to use the access.</p> <p>Access is inadequate for emergency services.</p> <p>Access will be subject to higher levels of traffic movement.</p> <p>There will be a loss of privacy and harm to private amenity.</p> <p>Plot 2 is outside the development boundary and contrary to policy.</p> <p>Proposed workshop would be detrimental to surrounding residential properties.</p>	<p>The applicant has been contacted in this regard and has advised that they consider the correct notices have been served. However, land ownership is a civil matter and cannot be dealt with via the planning system</p> <p>Addressed at section 5.5</p> <p>It is not considered that two additional dwellings will significantly impact on the number of vehicle movements.</p> <p>Addressed at section 5.4</p> <p>Addressed at sections 5.1 and 5.3</p> <p>Addressed at section 5.4</p>

Objection Comment	Officer Response
Proposal is cramped and contrived form of backland development.	Addressed at section 5.3
The current noise and fumes from the site is unbearable which will be worse if the workshop is closer to Bunting Lodge.	Addressed at section 5.4
Entrance is too small for emergency vehicles.	Addressed at section 5.5
Information has been provided relating to current use and working times of the site.	This is not relevant to this application as it does not relate to the proposal.
No specification of the use of the workshop.	Further information has been provided and consulted on specifying the use of the building as B1.
The developers should have applied for the Essex Act Access vehicles Vol 1-2 ADB section 5 part 5	Addressed at section 5.5
A fire engines maximum distance from properties must not exceed 45 metres, the driveway is 59.9m long.	Addressed at section 5.5
The development entrance must have after 25 metres, a pull in area for the fire engine.	Addressed at section 5.5
Development area should not exceed 100 metres from a water hydrant; the nearest one is on the corner of Mayland Close, greater than 100m away.	Addressed at section 5.5
'S' bend in the driveway is not suitable for a fire engine.	Addressed at section 5.5
Mayland Brook floods the area in heavy rain.	The site is situated outside of Flood Zones 2 and 3. However a condition can be imposed regarding surface water drainage if deemed necessary.
There is no passing point along the driveway.	Addressed at section 5.5
Vehicle movements will create noise pollution and a loss of privacy.	Addressed at section 5.4

Objection Comment	Officer Response
There is contamination within the site.	Addressed at section 5.7
There will be overlooking into neighbouring dwellings.	Addressed at section 5.4
There is an abundance of wildlife in the surrounding area including newts and bats.	Addressed at section 5.9

8. REASONS 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 (MDLDP) 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. The development would therefore be unacceptable and contrary to policies S1, S2, S8, and H4 of the MDLDP (2017) and government advice contained within the NPPF (2019).
- 2 The proposed development would fail to provide adequate on-site parking provision. The proposal would therefore be likely to cause additional on-street parking to the detriment of the free flow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the MDLDP.