



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

Application Number	19/01163/FUL
Location	Sun and Anchor, The Street, Steeple
Proposal	Demolition of the Sun & Anchor Public House and erection of 6 dwelling houses
Applicant	Gray & Sons (Chelmsford) Ltd
Agent	Mr Mark Jackson
Target Decision Date	16.02.2020
Case Officer	Anna Tastsoglou & Devan Hearnah
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Councillor M W Helm – Policy E3

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The map shows a site plan with a central red-hatched area labeled 'The Lodge' and '21'. Surrounding areas include 'Grassland Site', 'Pond', 'Hall', 'East Office Complex', 'Church View', and 'Church of St. John the Baptist and All Saints'. A scale bar at the bottom right indicates distances in meters (0, 0.0125, 0.025, 0.05).



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site of 0.29ha comprises a public house, which is noted to have been closed in excess of two years, and associated outbuildings. The site is located predominantly within the defined settlement boundary of Steeple. However, the most westerly part of the site lies outside of the settlement boundary. The area of the site located outside of the settlement boundary measures approximately 100m².
- 3.1.2 The surrounding area largely consists of linear residential development fronting The Street. To the north of the site is undeveloped countryside, some of which consists of dense vegetation. Steeple Village Hall is located to the northeast of the site. There is a cul-de-sac further to the northeast known as Garden Fields and one to the west called Baker Mews. However, apart from those, as stated above, the pattern of development in the surrounding area is generally linear development fronting the highway.
- 3.1.3 There are listed buildings in close proximity to the application site, Sun Cottage and Anchor Cottage to the east and The Church of St Lawrence and All Saints to the west. Sun Cottage lies directly adjacent to the site.

Proposal

- 3.1.4 Planning permission is sought to demolish the existing public house and construct four detached dwellings and one pair of semi-detached dwellings. Each dwelling would be served by its own private amenity space and car parking in the form of a driveway and/or garage. The dwellings will consist of two, two-bedroomed one, three-bedroomed, one, four-bedroomed dwelling and two five bedroomed dwellings.
- 3.1.5 Plots 1 and 2 would feature a pair of semi-detached dwellings with two bedrooms and two en-suites. The building would measure 5m to the eaves and 8.8m to the top of the hipped roof. The bulk of the building would have a width of 11m and a depth of 8.1m. There would be single storey projections on the south and west elevations, which would provide each dwelling with an entrance hall. They would measure 2.9m in width and 1.3m in depth.
- 3.1.6 Plot 3 would be a two storey, four-bedroom dwelling with a detached garage. The dwelling would be L-shaped with an eaves height of 5m, a ridge height of 8.5m, a width of 8.6m and a maximum depth of 11.7m. The detached garage would measure 3.5m in width and 7.8m in depth with an eaves height of 2.3m and a ridge height of 3.8m.
- 3.1.7 Plot 4 would be a two-storey detached dwelling with three bedrooms, one of which benefits from an en-suite. The dwelling would have an eaves height of 4.2m and a ridge height of 8.4m. There would be dormer window on the principal elevation and a gable projection to the front with an eaves height of 5m and a ridge height of 8m, and a single storey flat roof rear projection with a roof lantern, measuring 3m to the top of the parapet roof and 3.9m to the top of the roof lantern. The bulk of the

dwelling would measure 6.7m in width and 9.3m in depth. The front projection would extend 1.1m from the principal elevation and would have a width of 4.3m. The single storey rear projection would have a width of 4.9m and would extend 3.4m.

- 3.1.8 Plot 5 would be a two storey, five bedroom, detached dwelling with a carport and detached garage. The dwelling would have double pitched roof, with two storey front and rear gable projections. To the south elevation would be a side projection with a dormer window over the proposed carport. There would also be a single storey flat roof extension, with a roof lantern to the rear. The bulk of the dwelling would have an eaves height of 5m and a ridge height of 8.5m. The south side projection would have an eaves height of 4.4m and a ridge height of 8m. The front and rear gable projections would have a height of 8.4m. The single storey rear projection would have a height of 3.2m to the top of the flat roof and 4m to the top of the roof lantern. The dwelling would have a maximum width of 12.6m and a maximum depth of 16.2m.
- 3.1.9 The proposed garage to serve plot 5 would be set to the rear of the proposed dwelling and would measure 3.5m in width and 7.5m in depth, with an eaves height of 2.3m and a ridge height of 3.9m.
- 3.1.10 Plot 6 would be a two storey dwelling with five bedrooms and an attached garage, sited forward of the principal elevation. The dwelling would have a hip to gable roof running front to back and double pitch gables projecting from the northern elevation. There will also be a hipped projection to the rear and a single storey rear element. The proposed garage would be connected to the house via a single storey link accommodating a study. There would also be a dormer window on the principal elevation. The dwelling would have an overall width of 10.2m and a maximum depth of 23.7m, inclusive of the garage which has a depth of 6.4m and a width of 6.3m.
- 3.1.11 Plot 6 would have an eaves height of 5m and a ridge height of 8.2m. The single storey rear projection would have a height of 3.1m to the top of the flat roof and 4m to the top of the roof lantern. The attached garage would have an eaves height of 2.3m and a ridge height of 4.1m.
- 3.1.12 The proposed dwellings will be constructed from brickwork, render and timber boarding, with clay plain roof tiles. The windows will be timber.
- 3.1.13 Plots 3 and 4 will be accessed directly from The Street, whilst plots 1,2,5 and 6 will be accessed via a proposed driveway also taken from The Street. The construction of the driveway will result in the removal of two trees. A further four trees will be removed from the front of the site and two to the rear, where the dwelling at Plot 6 would be situated. The proposal includes landscaping plans for new hedgerows to the front, rear and western boundaries of the site and twelve new trees along the boundaries of the site. The existing trees to the front of the site are proposed to be replaced with four Hawthorn trees.

3.2 Conclusion

- 3.2.1 The proposed development as a result of its design, scale, bulk and siting is considered to result in demonstrable harm to the character and appearance of the site and the area. Furthermore, the proposal would result in the unjustified loss of a

community facility and would not provide sufficient off street vehicle parking provision. In the absence of any benefits such as affordable housing, and given that the housing mix does not meet the Council's aims for smaller units, it is not considered that there are benefits that would weigh in favour of the development and the proposal is considered contrary to policies S1, H2, H4, D1, D3, E3, T1 and T2 of the Local Development Plan (LDP).

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:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 91-92 Promoting healthy and safe communities
- 117-118 Effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- D1 Design quality and built environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E1 Employment
- E3 Community Services and Facilities
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards (VPS)
- Maldon District Design Guide (2017) (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The majority of the application site lies just within the settlement boundary (which runs along The Street at this point) for the village and so would comply with policies S1 and S8 of the LDP. Policy S8 identifies Steeple as being a "smaller village" which

means that it has few or no public services including public transport. Nevertheless, the site would be regarded as being within a sustainable location and the development would involve the net gain of six dwellings.

- 5.1.2 Although part of the application site would lie outside of the settlement boundary, given the limited area, the only part of the site affected would relate to the access and there is already some hardstanding within this part of the site, taking a pragmatic stance, although the development in this part of the site is contrary to Policy S8, it is not considered reasonable to raise an objection solely on these grounds.
- 5.1.3 Further to the above, within the NPPF there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.1.4 In economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal of six dwellings. Equally, there is no guarantee that the limited construction works required for this development would be undertaken by local businesses.
- 5.1.5 Policy E3 recognises that land and facilities providing community services are often under threat from proposals for alternative uses such as residential development. The Policy states that given the importance of community facilities to local residents, there is a need to secure and maintain their functions across the District. Therefore, the proposal seeks to ensure that before any community facility is lost, firstly that the existing business/service is not and cannot be made viable and secondly that effective marketing has been undertaken to demonstrate that there is no viable appropriate alternative community service-based use. The Policy does not explicitly require that the existing building is retained but seeks to ensure that the site continues to provide a community service or facility. Therefore, before a proposal for an alternative use such as residential is considered options for re-developing the site for alternative community-based uses should be explored.
- 5.1.6 The proposal would result in the loss of one of the village pubs of which there are two. Whilst it is noted that the public house is currently closed and regard has been had to the statement by Gray & Sons submitted with the application there has been no evidence submitted as part of this application that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based use, and nor has it been demonstrated effectively that the existing business/service is not and cannot be made viable. The information submitted only provides the opinion that *‘a building of that size, in a relatively remote part of the District, within a small settlement, it is highly unlikely that an alternative community use could be found or would be successful.’* However, without any evidence to substantiate this claim, it is not possible to understand whether a relaxation in relation to Policy E3 would be acceptable.

- 5.1.7 Considering the above, it is not considered that it has been demonstrated that the loss of the public house would not result in a negative impact on the local economy or that the loss accords with Policy E3 of the LDP.
- 5.1.8 Given that the proposal will result in the loss of Public House, which is regarded as a community service, it is not considered that sufficient evidence has been provided at this stage to demonstrate to the Council that criteria 1 and 2 of Policy E3 have been met.
- 5.1.9 Considering the above, the economic and social benefits of the proposal are considered minor. Furthermore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.1.10 Maldon District Council has undertaken a full assessment of the Five-Year Housing Land Supply (FYHLS) in the District and has 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. 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. Therefore, it is not considered that there are any material considerations which would prevent an application being determined in accordance with Policy E3 of the LDP.

5.2 Housing Need & Mix

- 5.2.1 As stated above 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. The proposal would provide two, two bedroom homes, one three bed, one four bed and two five beds. Therefore, 33% of the dwellings will be classed as smaller units, which is well below the 60:40% split required by the SHMA. In this respect, the proposal would make a negligible contribution to improving the Councils housing stock.

5.3 Affordable Housing

- 5.3.1 Policy H1 of the LDP states that housing developments of more than 10 dwellings or more than 1,000sqm will be expected to contribute towards affordable housing. Within Rural South East Lower the expected requirement is 25%. Any relaxation of this requirement will only be considered where the Council is satisfied that such requirement will render any development proposals unviable.
- 5.3.2 It is noted that the total internal floor space for the development would be 993m² and therefore is 7m² under the requirement for affordable housing. Whilst affordable housing is therefore, not required and could not form its own reason for refusal, it should be noted that the lack of affordable housing does not weigh in favour of the development and does not provide any benefits that would overcome the harm resulting from the loss of the community facility and the harm on the character and appearance of the area which will be discussed below.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.
- 5.4.2 It should be noted that good design is fundamental in creating better places to live and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.4.3 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.

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017)
- 5.4.5 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.4.6 In addition to the above, policy D3 of the approved Maldon District Local Plan (MDLP) states alterations to listed buildings will be required to “*preserve or enhance its special character, appearance, setting-including its streetscape and landscape value- and any features and fabric of architectural interest.*”
- 5.4.7 The proposed dwellings to the front of the site conform with the building line of the dwellings to the west within The Street, and therefore, it is considered that the dwellings conform to the building line to an acceptable degree, albeit it is noted that the dwellings and most notably the listed buildings to the east sit further forward than the proposed dwellings. In terms of the dwellings towards the rear, which are set back within the site, it is noted that there are cul-de-sac developments within the surrounding area, such as Garden Fields to the east and Blackwater Mews to the west. However, the neighbouring cul-de-sacs serve a number of dwellings, forming their own cul-de-sac arrangement situated around the access road. In contrast due to the limited number of dwellings proposed in the backland location as part of this application, their contrived orientation in relation to other dwellings in the vicinity of the site and the lack of visual relationship with the neighbouring built form, it is considered that the siting of the two dwellings to the rear of the site would result in an inappropriate form of backland development, which does not reflect and is to the detriment of the prevailing pattern of development within the surrounding area.
- 5.4.8 The proposed dwellings fronting The Street, would vary in height from 8.4m to 8.8m, they would have differing widths and would each feature a different roof profile and overall design. Whilst variation in developments is considered a good design quality, there is a concern that the extent of the differences between the four plots results in a contrived form of development, with dwellings that bear little relation to one and other and the existing neighbouring built form.
- 5.4.9 Further to the above, whilst it is noted there are dwellings located opposite the site which are of a more modern design, it is considered that given the proximity to the Listed Building to the east the development should reflect the distinctive nature and character of Steeple. Gable projections are not a feature which reflects the original character of Steeple and are therefore considered to erode the character and appearance of the area. Further to this, the heights of the proposed dwellings are substantially taller than the listed cottages to the east. Whilst it is noted that the proposed dwellings would be set back, given their substantial height it is still considered that the scale and bulk of the dwellings would detract from the setting of the listed buildings to some degree.,

- 5.4.10 The dwellings to the rear of the site (Plots 5 and 6) are considered to have over complicated roof forms, with differing heights and are overly large in scale and bulk. Of particular concern is the siting of the double garage serving plot 6, which would be awkwardly positioned in relation to the first-floor windows and would prevent an active road frontage. In terms of layout the dwellings are of a significant depth and width, which results in a cramped appearance that is not in keeping with neighbouring plot sizes or layouts. For these reasons it is considered that the proposed dwellings to the rear of the site would result in demonstrable harm to the character and appearance of the area.
- 5.4.11 It is noted that effort has been made to ensure that the proposed materials are complimentary to the historic character and appearance of the area in particular through the use of timber windows and timber weatherboarding. Furthermore, the choice of brick and render is in keeping with the materials used on the existing pub and neighbouring dwellings. However, it is not considered that the use of sympathetic materials alone overcomes the harm on the character and appearance of the wider area and neighbouring listed buildings identified above.
- 5.4.12 For the reasons stated it is considered that the proposed dwellings as a result of their size, scale, bulk, siting and design would result in an overly large and contrived form of development, which appears cramped within the site and erodes the architectural character of Steeple. Therefore, it is considered that the proposal would result in material harm to the character and appearance of the site and wider area.
- 5.4.13 Using the terminology of the NPPF and the LDP, the proposal is considered to cause 'less than substantial harm' to the significance of the neighbouring listed buildings. Therefore, the harm must be weighed against the public benefits of the proposal. In this instance it is considered that the public benefits resulting from the loss of a public house, a community facility, in favour of six dwellings, which do not meet the Council's housing mix targets and offers no affordable homes, are extremely limited. Therefore, it is not considered that the public benefits overcome the identified harm on the setting of the neighbouring listed buildings.
- 5.4.14 For the reasons identified above, it is considered that the proposal would result in material harm to the character and appearance of the, site, area and setting of the neighbouring listed buildings. The proposal is therefore, contrary to policies S1, D1, D3 and H4 of the LDP, and guidance contained within both the MDDG and the NPPF.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 The proposed site is situated between existing residential dwellings. The land to the rear of the site had temporary permission for the use as a touring caravan and camping site for 3 years. This temporary consent expired in July 2016 (13/00128/FUL). The northeast corner of the land to the rear has permission to store caravans (14/01199/FUL). Therefore, whilst there may be minor disturbance as a result of

maneuvering caravans in and out of the land to the rear which is accessed through the proposed estate road, given that the use of a camping site has expired, it is not considered that the neighbouring uses would be detrimental to the amenity of the future occupiers of the development.

- 5.5.3 The proposed dwellings are detached, with the exception of Plots 1 and 2, and have a reasonable separation distance between each property, in terms of neighbouring amenity, and also the existing neighbouring dwellings on The Street. Plots 5 and 6 to the rear of the site would have direct views into the amenity space serving Sun Cottage, The Street. However, given that the views would be of the rear part of the garden, which is likely to be in less frequent use and given the number of trees within the neighbouring garden, it is not considered that there would be detrimental harm resulting from a loss of privacy or overlooking.
- 5.5.4 The dwelling at Plot 4 would extend further to the rear than the Sun Cottage, directly to the west. However, the proposed dwelling would be located 8.4m from the shared boundary, therefore, it is considered that any reduction in light received would not be substantial and the proposal would not have an overbearing impact on the occupiers of Sun Cottage.
- 5.5.5 The window in the first floor side elevation of Plot 2 would serve a landing and would face onto two, first floor side elevation windows serving en-suites within Plot 3. Also Plot 4 would have a first floor window in the eastern side elevation serving a landing, Plot 5 would have two first floor windows in the southern elevation serving a bathroom and what would appear as a walk in wardrobe and Plot 6 would have two first floor windows in the southern side elevation serving en-suite bathrooms. To ensure that none of these windows result in overlooking a condition requiring they be obscure glazed would be necessary if the application were to be approved. However, the windows serving the landing and bedroom 5 of Plot 6 would not be required to be obscure glazed as the look out onto the field to the north.
- 5.5.6 For the reason discussed above it is not considered that the proposal will result in any unacceptable harm by way of overlooking, loss of light or loss of privacy. Furthermore, the proposal would not have an overbearing impact, and nor would the future occupiers be subject to unacceptable noise impacts resulting from the use of the site to the rear. Therefore, in this respect the proposal is considered to be in accordance with Policies D1 and H4 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, as well as ensuring sufficient parking facilities in relation 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.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting

off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.6.3 The adopted VPS require that a one-bedroom dwelling provides one parking space, a two or three bedroom dwelling two spaces and a four or more bedroom three spaces. A parking bay should measure 2.9mx5.5m and a garage to accommodate a car should be 3mx7m (6mx7m for a double garage).
- 5.6.4 All of the proposed dwellings would be served with sufficient car parking, with the exception of Plot 6. The double garage provided at plot 6 will measure 6.3m wide and 6.4 in depth. Given the insufficient depth, it is not considered that the garage could accommodate any vehicles and sufficient cycle storage as required within the VPS. Furthermore, there would only be space to park one car on the hard standing to the front of the garage. Given that there is no cycle storage provision anywhere else within the site, it is especially important that the proposed garages meet the size requirements of 6mx7m. In addition, given that Plot 6 would house a five-bedroom dwelling, it is considered that the minimum car parking provision would be essential, especially in Steeple where access to public transport is limited. Having regard, to this it is not considered that the shortfall in vehicle parking provision is acceptable as it may result in increased on street parking to the detriment of the free flow of traffic. Therefore, the development is contrary to Policy T2 of the LDP.
- 5.6.5 It is noted that provision has also been provided for the neighbouring dwellings to park their vehicles. Given that there is no requirement to provide this as part of a scheme, the limited provision of one parking space is not objected to in relation to the neighbouring properties.
- 5.6.6 The proposal would utilise an existing access but would result in the intensification of its use. However, whilst no response has yet been received from the Essex County Council Local Highway Authority, given that there is sufficient turning space within the site and the access would serve only four dwellings, the proposed access is unlikely to be objected to. There is also unlikely to be an objection to the proposed drop kerb accesses from The Street, serving Plots 3 and 4, as there is already a drop kerb within this part of the site serving the public house.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for

dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

- 5.7.2 Each dwelling would be provided with an area of private amenity space in excess of the requirements. Therefore there is no objection in this regard.
- 5.7.3 In terms of landscaping, it is considered that sufficient soft landscaping would be provided and that the species would be native. Furthermore, there is no objection to the loss of the trees as shown on plan 2801/109, as they are not considered to be of significant amenity value and would be replaced. However, it is considered a condition requiring the exact detail of hard and soft landscaping should be imposed if the application were to be approved, to ensure that the details are suitable for the surrounding area.

5.8 Planning Balance

- 5.8.1 The proposal would result in the net gain of six residential dwellings. However, given that the proposal would also result in the unjustified loss of a community facility, would not provide any benefits in terms of affordable housing, would result in demonstrable harm on the character and appearance of the conservation area and would provide insufficient car parking facilities and that the Council can demonstrate a five year housing land supply, it is not considered that the benefits of the development outweigh the harm. Therefore, the proposal is considered contrary to Policies S1, D1, D3, H4, E3 T1 and T2 of the LDP and guidance contained within the NPPF and the MDDG.

5.9 Nature Conservation and Biodiversity

- 5.9.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*'
- 5.9.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.3 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.9.4 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.9.5 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (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.
- 5.9.6 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 has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.9.7 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 does 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 and has currently been set at £122.30 per dwelling.
- 5.9.8 To accord with Natural England’s requirements, a Essex Coast RAMS 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 previously listed sites? Yes

Does the planning application fall within the specified development types? Yes

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

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

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

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, 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 Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £ 733.80 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

- 5.9.9 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

- **14/01199/FUL** - Change of use of land for the storage of caravans. Approve.
- **13/05136/DET** - Compliance with Conditions Notification: Condition 5 - scheme for the upgrading of the area at the front of the site (13/00128/FUL - Change of use of the land for the use as a touring caravan and camping site for 3 years). Conditions cleared.
- **13/00128/FUL** - Change of Use of the land for the use as a touring caravan and camping site for 3 years. Approved
- **11/01152/FUL** - Continued use of mobile home to rear of pub (previous approval under 08/00882/FUL). Approved.
- **10/00596/LDE** - Claim for Lawful Development Certificate for an existing use of general camping and touring caravans, rallies and boot sales on the adjoining field. Refused.
- **10/00248/LDE** - Claim for Lawful Development Certificate for an existing use of general camping and touring caravans, rallies and boot sales on the adjoining field. Refused.
- **08/00882/FUL** - Proposed mobile home to rear of pub. Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology		
Anglian Water Services	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.
Essex County Council Highways Authority	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection but given the site is previously developed a phase 1 contaminated land survey should be carried out. Other conditions relation to drainage and construction management have also been proposed.	Noted, if the application were to be approved contamination conditions could be imposed along with the other proposed conditions.
Conservation Officer	No response received at the time of writing this report	Noted any update will be communicated through the Members Update.
Tree Consultant	No response received at the time of writing this report	Noted any update will be communicated through the Members Update.
Strategic Housing Team	No response received at the time of writing this report.	Noted any update will be communicated through the Members Update.

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
<ul style="list-style-type: none"> A new or updated pub or restaurant would have been more welcomed. The proposal seeks to protect the heritage of Steeple by respecting the design of the Sun and Anchor Cottages. Enough parking spaces should be left for the owners of Anchor Cottage. 	<ul style="list-style-type: none"> Addressed at section 5.1. Addressed at section 5.4. Addressed at section 5.6

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The neighbouring listed cottages set an attractive streetscene when entering the village and there is concern that the siting of the houses will erode this. • Overlooking into neighbouring properties. • Access must be maintained to Sun and Anchor Cottages via the side gate of Sun Cottage. • Sun and Anchor Cottages should be notified when archeological investigations take place and any heavy machinery is to be used, to prevent harm to the buildings. • A SuDS scheme is required due to current road water issues. • A risk assessment should take place to ensure that there will be no damage to the existing pipes. • What measures are put in place during works to prevent disruption. • There is no village shop or post office. There are no evening bus services and taxis are expensive. The only bus service to Broomfield Hospital is on a Sunday. A service is required Mon-Fri to attend appointments. • The owners should consider the future prosperity of the area with its growing population and future employment possibilities potentially resulting from a new power station at Bradwell. 	<ul style="list-style-type: none"> • Addressed at section 5.4 • Addressed at section 5.5 • The proposal does not appear to remove this access. Although this is a land ownership issue which is a civil matter and cannot be dealt with via this application. • Any archaeological works will be required to be undertaken by a recognised archaeological contractor and will respect the neighbouring listed cottages. • This could be agreed via a condition. • This is a civil matter. • There is other legislation that covers disruption caused during works. • Addressed at section 5.1 • The application must be assessed on the current situation and context of the site. Therefore, it is not possible to factor in any future possibilities that haven't been confirmed. • Addressed at section 5.6

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The access is located on a bend with poor visibility. The neighbouring dwelling has had its front wall knocked down three times as a result of car collisions. • There have been a number of accidents within the village over the years. There has been no improvement in traffic management of speed discipline as a result. • If the proposal introduced improvements to highway infrastructure, traffic controls, the junction etc. to reduce future risks then the proposal could be supported which is on balance an improvement to a derelict building. 	<ul style="list-style-type: none"> • Addressed at section 5.6 • Given that these works are not proposed as part of the application they cannot be considered.

7.4.2 1 letter of comment has been received. The comments are listed in the table below:

Comment	Officer Response
<ul style="list-style-type: none"> • Where will the people be living in Clapboard Cottages Park? It will be dangerous to park on the street and cause disruption to the free flow of traffic. 	<ul style="list-style-type: none"> • It is noted that some neighbouring residents currently use the site to park their vehicles. However, as this is not a formal arrangement in planning terms it is not possible to manage the loss of this parking provision through a planning application.

8. **REASONS FOR REFUSAL**

- 1 The proposed development would result in the loss of a community facility. No suitable justification or evidence has been provided to demonstrate that the existing business/service is not and cannot be made viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based service use. The development would therefore be contrary to policy E3 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).
- 2 The proposal involves the erection of six dwellings adjacent to listed buildings. The proposed dwellings by reason of their design, scale, mass, bulk and positioning would result in a cramped and contrived form of development,

which fails to accord with the historic character and appearance of Steeple and also the prevailing pattern of development . Furthermore, the dwellings to the front of the site due to their height, scale, bulk and design are considered to cause some harm the setting of the adjacent listed buildings, which would not be outweighed by the public benefits of the propsoal. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework and there would not be significant benefits that would outweigh the harm identified.

- 3 The proposed development would fail to provide adequate on-site parking provision for Plot 6. The proposal would therefore be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.