



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
13 FEBRUARY 2016**

Application Number	OUT/MAL/16/00224
Location	Whitecap Mushroom Farm Mill Road Mayland Essex
Proposal	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
Applicant	Mr Alen Powl
Agent	Mr Andy Butcher - Strutt And Parker LLP
Target Decision Date	27 June 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Previous Committee Decision

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 6 of this report.

2. SITE MAP

Please see overleaf.

Whitecap Mushroom Farm - Mill Road
Mayland OUT/MAL/16/00224



Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Committee

Date: 01/02/2017

MSA Number: 100018588

3. INTRODUCTION

- 3.1 This report is provided to explore the affordable housing issues following the decision of the Members of the South Eastern Area Planning Committee to defer the determination of the application at its meeting of 16 January 2017 (Minute No. 873 refers).
- 3.2 A copy of the Officer's original report and recommendation is attached as **APPENDIX 1** to this report.

4. AFFORDABLE HOUSING

- 4.1 The core principles of sustainability as set out within the National Planning Policy Framework (NPPF) are clear that in order to meet the social role planning should support; *“strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”*. Paragraph 173 of the NPPF states that obligations and policy burdens such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable i.e. viable. Planning obligations should only be sought when they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The provision of providing affordable housing in line with the Council's policies enable the development to be acceptable in planning terms and therefore is considered a significant material consideration in the determination of the application.
- 4.2 References have been made by the agent in relation to recent appeal decisions i.e. Tillingham Hall Farm of November 2016 which gave limited weight to the emerging policies of the Local Development Plan (LDP). Paragraph 216 of the NPPF clearly states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given), the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The LDP is considered to have gained significant material weight since the determination of the appeal referred considering it has recently completed Examination in Public (EIP).
- 4.3 Affordable housing is required for eligible households whose needs are unable to be met within the open market. Affordable housing includes: social rent; affordable rent; and intermediate / shared ownership. There is a significant shortage in the availability of affordable housing in the District and increasing the supply of affordable housing is one of the key priorities for the Council and for the District as identified within the Corporate Plan (MDC, 2011c) and the Sustainable Community Strategy (MDLSP,

2011). The inclusion of an up to date policy within the LDP sets out the local requirements for affordable housing provision which will help to boost the supply of affordable homes in the District over the plan period, and start to re-balance the local housing supply, ensuring that local people can access the housing that is urgently required. All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger, will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.

4.4 The affordable housing requirements for each sub-area in the District are as follows:

- **North Heybridge Garden Suburb:**
 - North of Heybridge - S2(d) **25%**
 - North of Holloway Road - S2(e) **40%**
 - West of Broad Street Green Road - S2(f) **40%**
- **South Maldon Garden Suburb 40%**
- **Strategic Allocations at Maldon, Heybridge and Burnham-on-Crouch 40%**
- **All other developments:**
 - Northern Rural, Maldon Central and South and Rural South **40%**
 - Maldon North and Rural South East Higher **30%**
 - Rural South East Lower **25%**

4.5 Any relaxation of the above requirements will only be considered where the Council is satisfied, on a site by site basis, that such requirement will render any development proposals unviable. Affordable housing should be provided on-site, the contribution from developers should comprise of free serviced land to provide the number, size, type and tenure of affordable homes required by the Council's policies in accordance with the Strategic Housing Market Assessment (SHMA), the Council's adopted Affordable Housing Guide, and relevant housing strategies of the Council. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site. The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing Supplementary Planning Document (SPD).

4.6 For affordable housing, the Local Planning Authority (LPA) maintains that policy H1 of the LDP holds significant weight due to its advanced stage of adoption as stated in paragraph 216 of the NPPF as set out above. In this location, Rural South, the LDP policy H1 requires 40% affordable housing to be provided. The scheme of this size would be required to provide 14 affordable units onsite to comply with policy H1. Reason 1 of the previous application refused planning permission as a result of inadequate levels of affordable housing. The previous application proposed 30% affordable housing originally. As part of the current submission no issues with viability were raised. However, during the application a viability statement was submitted which demonstrated that no affordable housing could be achieved through

the development due to viability issues. The reasons for this included exceptional costs in particular for highways which affect the overall financial viability. This application therefore does not comply with the Council's policy (H1) for affordable housing.

- 4.7 The financial appraisal was validated by an independent consultant who did not agree with all the points and assumptions made within the appraisal. However, it was acknowledged that the full level of affordable accommodation, to be policy compliant, could not be provided. It is possible to provide a reduced proportion of affordable housing, subject to there also being a review upon completion into the final cost of highway work which if less than currently anticipated would provide means for an additional financial contribution towards affordable housing in the District. The applicant has agreed a number of points expressed by the independent consultant and has revisited their viability calculations. It is now agreed, taking into account the potential costs of providing an adopted road that the site cannot provide for on-site affordable homes in accordance with Council policy, but can make some contribution.
- 4.8 The applicant is only able to provide a reduced number of affordable homes on site or a financial payment (11.3%, either by four houses on site, or by financial contribution). The Council only considers alternatives to provision on site in exceptional cases, and the applicant has expressed some concern that housing associations may be reluctant to consider acquiring such a small number of homes. However, no evidence has been provided to substantiate this claim and in accordance with the NPPG each application must be dealt with in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding this, there has been in the past a number of smaller developments including rural exception sites which local housing associations have developed and there are several housing associations with stock in the same area.
- 4.9 As stated above, it is a requirement that applications are considered in accordance with the Development Plan unless material considerations indicate otherwise. This application does not comply with the Council's policy (H1) for affordable housing and the affordable housing offer is some ten units short of being policy compliant. The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets therefore there is no demand for the development. Whilst indicative, the housing mix is not in accordance with the District's need for smaller housing units. The significant shortfall in affordable housing weighs heavily against the application.
- 4.10 Whilst the Council acknowledges the viability constraints within the scheme it is considered that there is not a pressing need to allow the development of the site with such a significant shortfall and the minimal benefits of the scheme do not outweigh the harm from the development. Generally, there are not considered to be any material considerations that weigh heavily in favour of the development. This scheme has been refused twice previously and the quantum of development is similar in nature to the most recent application. It is not considered that this proposal overcomes the harm in the decision notice at the time of the last application.
- 4.11 Furthermore, the scheme would provide a level of affordable housing demonstrably and significantly short of the policy requirements. Whilst the viability constraints of the scheme are acknowledged, this is not considered to outweigh the harm caused by

the under-provision of affordable housing. It must be noted that the site is not a strategically allocated site, is not a site highlighted by the Council for redevelopment and the Council is able to demonstrate in excess of five years' worth of housing supply; so there are no obvious or clear material considerations that weigh in favour of the application. The shortfall in affordable housing would not meet the social strand of the NPPF and therefore, when taking in to account the tripartite definition of sustainability provided by the NPPF, the scheme cannot be considered sustainable development.

5. **OTHER MATTERS – CORRECTIONS**

5.1 The following paragraphs of **APPENDIX 1** should be corrected as follows:

APPENDIX 1 paragraph reference	Correction
3.1.8	Delete "...to two and a half storeys high."
5.4.11	Delete "...to two and a half..."
	Delete "...with conjoined linked extensions."
	Delete "This application provides an identical proposed and as there are no new material considerations it is not considered that the new supporting information supplied including the revisited LVIA overcomes the previous reasons for objection." Replace with "Whilst the application provides some minor improvements to the indicative plan, i.e. maximum of two storeys and no conjoined buildings, these are not considered to overcome the previous reasons for objection."
5.7.1	Delete "...Orchard Drive."
	Replace with "Mill Road"
	Delete "...Steeple Road / Nipsells Chase...". Replace with "Mill Road / Steeple Road."

6. **REASONS FOR REFUSAL**

1. The site is in a sensitive rural location outside of the defined settlement boundary for 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme

contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

2. The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
16 JANUARY 2017**

Application Number	OUT/MAL/16/00224
Location	Whitecap Mushroom Farm Mill Road Mayland Essex
Proposal	Demolition of former Mushroom Farm and associated buildings and erection of up to 35 dwellings with associated landscaping, open space and upgrading of Mill Road to adoptable standard
Applicant	Mr Alen Powl
Agent	Mr Andy Butcher - Strutt And Parker LLP
Target Decision Date	27 June 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	MAYLAND
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005 Major Application Previous Committee Decision

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The site is located on the western side of Mill Road outside of the defined development boundary for Mayland village as shown in the Replacement Local Plan (RLP) and Local Development Plan (LDP) Proposals Maps. The site's western boundary backs onto the defined development boundary.
- 3.1.2 The site is a former mushroom farm and comprises of a number of buildings which are located centrally and to the eastern part of the site and are accessed via concrete road from Mill Road. The site appears to be used for storage purposes and also includes stables. The western part of the site is undeveloped. The likely usage of the site would be agricultural and therefore would not fall within the definition of 'previously developed land' as defined in the National Planning Policy Framework (NPPF). The site boundary mainly comprises of hedgerows and trees. The site measures 2.2 hectares and is flat levelled site.
- 3.1.3 Access to the site is achieved via Mill Road which is an unmade road that runs in a north / south direction to its junction with Steeple Road to the southern end of the road. Mill Road is mainly rural in character and with a small number of dwellings located along either side of the road. There are former mushroom farms and former nursery uses located on this road. The areas either side of the road and to the south of Steeple Road comprise the rural countryside.
- 3.1.4 Immediately along Mill Road to the north (no. 5) and south (no. 3) of the site are residential properties and to the east is a former nursery site. There are a small handful of dwellings, a community hall and a former public house, now in use as a restaurant, located along the northern side of Steeple Road to the west of the road junction with Mill Road. To the western boundary is small industrial estate known as the Mayland Industrial Estate which is identified in the current RLP as an existing employment allocation and this allocation has been carried forward and is identified in the submitted LDP. Beyond the employment area to the west is the village.
- 3.1.5 This application represents the second resubmission of previously refused outline planning applications (OUT/MAL/15/00018 refused 14.04.2015 and OUT/MAL/15/00678 refused 22.10.2015). The application seeks outline permission for the demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard.
- 3.1.6 The proposal seeks outline permission for the principle of the development and access. All other matters including layout, scale, appearance and landscaping would form the reserved matters for future consideration. Access to the site would be taken from Mill Road which would involve upgrading Mill Road to an adoptable highway standard up to the entrance of the site with the remainder of the road to the north remaining unadopted. Within the site internal roads would be formed linking to the site's access onto Mill Road.
- 3.1.7 The proposal is for up to 35 dwellings with no housing mix identified at this stage. The proposal includes 0.37 hectares of public open space.

3.1.8 An indicative masterplan plan has been submitted showing a potential layout for the development which would be accessed via a new access road from Mill Road alongside the southern boundary with no. 3 Mill Road. Two areas of public open space are shown to the site's south east and north-west corner. The north western public open space would incorporate a play space. An indicative streetscene plan within the Design and Access statement shows that the dwellings would be two to two and half storeys high.

3.1.9 This application forms a resubmission following the refusal of two previous applications:

- **OUT/MAL/15/00018** - Outline planning permission for demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matter reserved. Refused 14 April 2015 for the following reasons:
 1. The proposed development would not meet the evidenced requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to the guidance and provisions of the National Planning Policy Framework and policies S1 and H1 of the Maldon District Submitted Local Development Plan.
 2. The submitted Flood Risk Assessment does not comply with the requirements set out in Paragraph: 030 Reference ID: 7-030-20140306 of the Planning Guidance to the National Planning Policy Framework, and the Flood Risk Assessment does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted Flood Risk Assessment fails to provide infiltration testing results, provide suitable run-off rates and storage for this site or sufficiently show that the site is not at risk from flooding. Consequently, in the absence of this information the proposed development could give rise potential risks to human life from a flood event that would be detrimental to the future occupiers of the site. The development is therefore contrary to the guidance and advice contained within the National Planning Policy Framework and Planning Practice Guidance, and policy D5 of the Maldon District Local Development Plan Submission.
 3. The indicative layout plan shows that some of the proposed residential properties would be located within close proximity to the existing Mayland Industrial Estate where there are existing light and general industrial uses. However, in the absence of a noise impact assessment it is not possible to fully understand the predicted noise and disturbance issues upon these properties. Consequently future residents of these dwellings could be subject to significant noise and disturbance issues from the existing neighbouring light and general industrial uses. In addition the business operations of the units within the existing Mayland Industrial Estate should also not be subject to unreasonable restrictions put on them which may impact upon their future business

operations. As such the proposal is contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, the guidance and advice contained within the National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan Submission.

4. The submitted Maldon District Local Development Plan is considered to carry substantial weight due to its advanced stage of the Local Plan examination process as paragraph 216 of the National Planning Policy Framework advises. The proposal is a departure and contrary to policy S2 of the submitted Maldon District Local Development Plan as it does not constitute sustainable growth to meet the objectively assessed needs for housing over the next 15 years. The proposal is in advance of the Council's Rural Allocations Development Plan Document, which will identify suitable sites for housing allocations in rural areas over the lifetime of the submitted Maldon District Local Development Plan. The proposal is therefore contrary to policies S2, S7 and S8 submitted Maldon District Local Development Plan, policies S2, CC6 and CC11 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework.

- **OUT/MAL/15/00678** - Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018). Refused 22 October 2015 for the following reason:

1. The site is located in sensitive rural location outside of the defined settlement boundary for 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 and as this site has not been identified by the Council for development to meet future needs for the District, as it does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan, the proposal would result in an intrusive urbanizing impact upon the site and the surrounding area adversely affecting this rural character and the intrinsic character and beauty of the countryside in this location. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1 and S8 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs 7, 14, 17, 216 and having regard to the requirements of Paragraphs 47 to 49.

3.1.10 This appeal decision is currently being appealed. However, the appeal process is currently being held in abeyance due to the applicants change in position on viability.

3.2 Conclusion

3.2.1 The site is in a sensitive rural location outside of the defined settlement boundary for 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

- 3.2.2 In addition, the proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CON6 – Contamination
- CC5 – Protection of Wildlife on Development Sites
- CC6 - Landscape Protection
- CC11 – The Coastal Zone
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- BE1 – Design of New Development
- BE3 – Public and private amenity spaces
- BE8 – Lighting
- BE13 – Development in Conservation Areas
- REC3 – Children's Play Space associated with new housing developments and elsewhere in the district
- T1 – Sustainable Transport and Location of New Development

- T2 – Transport Infrastructure in New Developments
- T6 - Improvement to Pedestrian Facilities
- T8 - Vehicle Parking Standards
- PU1 – Provision of Educational Facilities
- PU2 – Recycling Facilities in New Developments

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D3 – Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

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

4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.5.1 As part of the planning application a draft Heads of Terms has been provided. As part of this document, it has been confirmed that provision will be made for the following;

- A financial contribution towards educational facilities for early years and childcare;
- Costs of carrying out such noise mitigation works.

4.5.2 Matters regarding the Affordable Housing Provision are covered in more detail at section 5.3 of this report.

5. MAIN CONSIDERATIONS

5.1 **Principle of Development**

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 In relation to this, the site is in a location where policies of restraint apply. RLP Policy S2 states that “outside development boundaries defined in the Local Plan the coast and countryside will be protected for their own sake particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value”. This policy position is reflected in the emerging LDP policy S8 which seeks to support sustainable development in settlement boundaries and to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policy states 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 the development is for one of the development types listed within that policy.
- 5.1.3 The proposal to provide new housing would not fall within any of the categories listed within policy S8. Therefore, the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.
- 5.1.4 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The Pre Submission Local Development Plan through the pre-ambles to policy S1 re-iterates the requirements of the NPPF.
- 5.1.5 The RLP does not define settlement hierarchies but LDP policy S8 does and identifies Mayland as a ‘larger village’ which is defined as a settlement with a limited range of services and opportunities for employment, retail and education, and with a limited local catchment and a lower level of access to public transport.
- 5.1.6 With regard to distance to goods and services the local centre is located 2.5km from the site. In the centre there is a parade of shops comprising a chemist, doctor’s surgery, convenience store, takeaways, bakery, general store, hairdressers and along the waterfront is a public house. On the edge of the village, and closer to the site along Steeple Road, there is a petrol station with a convenience store which is closer than Mayland’s shopping centre. There is public open space in Mayland and footpaths in the area and along the seawall. The Mayland Mill former public house provides a restaurant facility, there is a nearby community hall and the employment land to the west of the site boundary could provide employment opportunities, all these facilities are within close proximity of the site.
- 5.1.7 In terms of transport modes there are bus stops located within 300m of the site along Steeple Road. The local bus service is limited with the most frequent being a two

hourly service during the day along routes to Maldon, Bradwell and Burnham connecting with other villages along the route but this is typical of rural services in the area. The bus service connects to Burnham railway station. The nearer stations of Althorne and North Fambridge depend upon private vehicle access. There is a public footpath along the Steeple Road which connects with other roads linking to Mayland. There are no cycle-ways nearby. The site can be access by private motor vehicles using the existing road network.

- 5.1.8 In assessing the locational requirements there have been two sites in the immediate area that have been subject to appeals for development which have considered in this location.
- 5.1.9 The most recent application was for the erection of six dwellings and garages with a new access at 43 Steeple Road (OUT/MAL/12/00563). This was refused planning permission on 20 August 2012 for reasons of layout, scale and the impact upon a neighbouring listed building. The application was then subject to an appeal that was dismissed on 20 February 2013. This site is 40m to the south of the application site and a further 180m from the application site's front boundary on Mill Road to the front boundary of 43 Steeple Road. This application was considered to be located in a sustainable location and within the defined development boundary for Mayland.
- 5.1.10 Opposite the application site on land adjacent to Mill Road and Steeple Road planning permission was granted planning permission in 2012 for a 60 bed nursing home for dementia patients, reference OUT/MAL/12/00452. This application considered the use of the site to be acceptable in this location having regard to the future users of the care home and the likelihood of only staff and visitors needing to potential travel to the site. This 2012 application followed a previous application in 2008 (pre-NPPF) for 34 extra-care elderly person's bungalows, 60 bed nursing home, 14 affordable housing bungalows for the elderly and community building. That application was subject to an appeal where one of the issues considered the principles of sustainability. The Inspector considered that the site was unsustainable for that proposal, which included a range of different facilities such as dwellings for people over the age of 55 that were still independent and not requiring regular care. It was considered that the users of the proposal would find it difficult to walk the distances involved to reach the centre of Mayland and all its facilities and the appeal was consequently dismissed. The 43 Steeple Road application has since followed these applications and that site is only short distance from the land adjacent to Mill Road and Steeple Road site and the application site. The 43 Steeple Road was considered sustainable with some of the site falling within the existing defined development boundary (RLP policy S2).
- 5.1.11 Considering the above as well as previous decisions which form material consideration in the determination of the application, the application site is considered to benefit from some sustainability credentials. The following sections of the report discuss the material considerations which determine the acceptability of the development in full.

5.2 Housing Land Supply Position

- 5.2.1 The Secretary of State (SoS) has stated that the latest full assessment of housing should be considered and given weight in accordance with the NPPF. The SoS

recognises that the Council has undertaken a comprehensive assessment of housing need and that there is nothing before him to lead him to a contrary view at this stage. This clarification supports the Council in providing significant weight to policies within the Local Development Framework (LDF), and supports the housing target used within the identification of the Council's five year housing supply.

- 5.2.2 The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets. The Council can therefore demonstrate in excess of a five year supply of housing. The Councils Five Year Housing Land Supply Statement 2015 / 16 dated August 2016, and the Councils Advisory Note dated August 2016 clarify this position in full and are available for public viewing on the Council's website.
- 5.2.3 Following the annual monitoring of housing completions undertaken in March 2016, and taking into account comments from Inspectors at recent appeals where the District's five year housing land supply statement (FYHLS) position has been considered, and planning approvals and resolutions to grant planning permission subject to the completion of a section 106 agreement up to 24 August 2016, the Council has recently produce the August 2016 FYHLS Statement.
- 5.2.4 The August 2016 FYHLS Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District's Objectively Assessed Need (OAN) (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 years supply of housing land.
- 5.2.5 Since the Council published the July 2015 FYHLS Statement, in the 16 appeals where the Council's FYHLS position has been considered, 11 appeals concluded that the Council could demonstrate a FYHLS. The August 2016 FYHLS Statement now further strengthens the Council's FYHLS position.

5.3 Housing Mix and Affordable Housing

- 5.3.1 There are no policies in the current Local Plan regarding housing mix but the submitted LDP through policy H2 identifies housing mix as a policy and accords with the requirements of paragraph 50 of the NPPF. The pre-amble to the policy through the evidence base from the Strategic Housing Market Assessment (SHMA) identifies that the District has an unbalanced high number of large dwellings of three or more bedrooms and for one and two bedroom units there is a less than half the national average. The Council's recently updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units over all housing types. For affordable housing the same need requirements apply, however, for market housing the need is for one, two and three bedroom units with an over provision of four bedroom plus units.
- 5.3.2 In addition, the current SHMA's housing needs are for all age groups but it is recognised that the District has an ageing population both from existing residents and

in-migration. For existing residents there is a need for downsizing from three and four bedroom units in the market sector and therefore new development should provide smaller housing units to provide a suitable housing mix to reflect the LDP policy H2 requirements.

- 5.3.3 There is no housing mix identified for this application, however, a planning condition could be imposed to require the market housing mix to accord with the most up to date SHMA. This is important so that the layout of the development through the reserved matters accords with the most up to date SHMA. For appraisal and viability submission purposes, the assumed dwelling mix, as noted at section 11 of the submitted Viability Assessment, comprises 6 x two-bed houses (4 x terraced @ 818 sq. ft.; 2 x semi-detached @ 821 sq. ft. - i.e. approx. 76 sq. m each), 27 x three-bed houses (14 x semi-detached @ 965 sq. ft.; 13 x detached @ 968 sq. ft. - i.e. approx. 90 sq. m each) and 2 x five-bed houses (detached units @ 1618 sq. ft. - i.e. approx. 150 sq. m each). Whilst indicative, it is considered that this mix would not be reflective of the needs identified within the SHMA.
- 5.3.4 For affordable housing, it is considered that policy H1 of the LDP holds significant weight due to its advanced stage of adoption as stated in paragraph 216 of the NPPF. In this location, Rural South, the LDP policy H1 requires 40% affordable housing to be provided. The scheme of this size would be required to provide 14 affordable units onsite to comply with policy H1. Reason 1 of the previous application refused planning permission as a result of inadequate levels of affordable housing. The previous application proposed 30% affordable housing. As part of the current submission, a viability statement was submitted which demonstrated the reasons why no affordable housing could be achieved. This application does not comply with the Council's policy (H1) for affordable housing; the proposed scheme involves exceptional costs in particular for highways which affect the overall financial viability of the scheme and therefore the contribution that can be made towards meeting the need for affordable housing.
- 5.3.5 A financial appraisal has been provided and validated by an independent consultant who acknowledges that it may only be possible to provide a reduced proportion of affordable housing, subject to there also being a review upon completion into the final cost of highway work which if less than currently anticipated would provide means for an additional financial contribution towards affordable housing in the District. The applicant has agreed a number of points expressed by the independent consultant and has revisited their viability calculations. It is now agreed, taking into account the potential costs of providing an adopted road, that the site cannot provide for on-site affordable homes.
- 5.3.6 The applicant is only able to provide a reduced number of affordable homes on site or a financial payment. The Council only considers alternatives to provision on site in exceptional cases, and the applicant has expressed some concern that housing associations may be reluctant to consider acquiring such a small number of homes. However, no evidence has been provided to substantiate this claim.
- 5.3.7 Notwithstanding this, there has been in the past a number of smaller developments including rural exception sites which local housing associations have developed and there are several housing associations with stock in the same area.

- 5.3.8 This application does not comply with the Council's policy (H1) for affordable housing and the affordable housing offer is some ten units short of being policy compliant. The updated five year housing statement (August 2016) shows that the Council can demonstrate 6.04 years' worth of housing land supply against its identified housing targets therefore there is no demand for the development. Whilst indicative, the housing mix is not in accordance with the District's need for smaller housing units. The significant shortfall in affordable housing weighs heavily against the application. Whilst the Council acknowledges the viability constraints within the scheme it is considered that there is not a pressing need to allow the development of the site with such a significant shortfall and the minimal benefits of the scheme do not outweigh the harm from the development.

5.4 Design and Impact on the Character of the Area

- 5.4.1 RLP Policy BE1 and D1 of the LDP are applicable to the consideration of design. These, coupled with the NPPF, aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.
- 5.4.2 The site is also within a rural area where RLP policies CC6 and BE1 and S8 and D1 of the LDP aim to protect the countryside, including its natural beauty, quality and tranquillity.
- 5.4.3 The NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- 5.4.4 In addition, the NPPF states "that 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".
- 5.4.5 A revisited Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and recognises that the site entrance is located between two existing residential properties with commercial buildings to the western boundary and residential properties further to the south. The site itself includes derelict former agricultural buildings but is more open and natural to the western part of the site. The site's topography ranges between 4.47m to 7.6m above sea level. Beyond the site the more open landscape areas in this location are to the north, east and southern areas away from the site. Visually the LVIA identifies that the site would be seen in the 'context of Mayland and the housing that already exists in the area' and from higher ground points to the south. The LVIA concludes that the development would not '*negatively impact upon the landscape*' as the positive aspects of the landscape including the field boundary vegetation around the site would be retained.
- 5.4.6 There are no significant landscape features within the site other than the existing hedgerows and trees in and around the site. The existing hedgerows and trees around the boundaries are proposed to be retained and can be conditioned to be retained and enhanced with further details of the proposed landscaping to be subject to the reserved

matters application. Half of the site is covered in hardstanding and buildings some of which are redundant and in a state of disrepair.

- 5.4.7 Due to the outline status of the application the full extent of the visual impact of the development cannot be fully addressed as the layout, appearance, scale and landscaping would be subject to the reserved matters. Nevertheless, the information provided through the planning statement, design and access statement, indicative masterplan and the revisited LVIA assists with this material consideration. Visually the site is generally well screened and only the front part of the site would be seen from Mill Road which is the nearest public vantage point. From further distant views on higher ground to the south the LVIA identifies that the site would be seen in the 'context of Mayland and the housing that already exists in the area'. Elsewhere the surrounding area is flat and the site would not be seen from countryside areas to the north and east due to existing development and landscape features such as hedgerows and woodland areas. It could be considered that the proposal would result in the loss of rural character along Mill Lane which is a rural lane dominated by the landscape with buildings interspersed along the lane.
- 5.4.8 The dilapidated buildings on site are of an agricultural character of which the proposed dwellings would be of an entirely different character. It is accepted that agricultural buildings are sited in rural areas. However, the urbanization of the area would have a demonstrable impact on the character and appearance of the locality. Whilst it is accepted that the application site currently appears derelict and tired, and the introduction of dwellinghouses may give an overall tidier appearance, it would not be a considerable benefit which would outweigh the significant detriment caused to the countryside as a result of the development.
- 5.4.9 Internally within the site none of the land within the site has been used for the growing of crops or for livestock purposes as the former mushroom farm use operated from the buildings on site including greenhouses. In its current state the site would not result in the loss of any high grade agricultural quality land.
- 5.4.10 The application is in outline form with access information submitted. Vehicular access to the application site would be achieved from Mill Road via Steeple Road to the south. Only one access point is proposed entering the site from the eastern site boundary. This access can provide vehicle, pedestrian and cycle access to the site. To reach the access Mill Road is an un-adopted unmade road which is wide enough for two vehicles to pass but has no formal footways for pedestrians. There are no objections raised to this access arrangement and due to the site being landlocked to the northern, southern and western boundaries by private properties there is no scope or potential for permeability through the site.
- 5.4.11 With regard to design and scale the Design and Access Statement shows that the proposed development indicates two to two and half storey properties with conjoined linked extensions. The design also includes properties with four dormers within the front façade roofscape to the properties located centrally within the site which is too urban, too heavy and dominating in the roofscape. The scale is excessive for this rural edge of village location. An indicative masterplan is included and shows an identified housing layout with the access into the site, levels of housing density and open space and landscaping. The previous application raised concerns over the indicative masterplan regarding the conjoined buildings nearest the front entrance to

the site which is too urban in form for this setting but also the estate style layout which would be at odds with the prevailing pattern of development in the locality. This application provides an identical proposed and as there are no new material considerations it is not considered that the new supporting information supplied including the revisited LVIA overcomes the previous reasons for objection.

- 5.4.12 Whilst in outline form, it is considered that the proposed residential development would result in a demonstrable harmful effect on the character and appearance of the area, would extend development into the open countryside, would be prominent from the surrounding area and would result in an urbanising effect on the countryside, appearing incongruous and visually intrusive in this setting.

5.5 Housing Density

- 5.5.1 The NPPF takes precedent as the more up to date policy position than RLP policy H6 which set density levels of between 30-50 dwellings per hectare. However, the NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. In terms of the submitted LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development. The site measures 2.2 hectares and based on 35 dwellings this equates to 16 dwellings per hectare which in numerical terms represents a low density form of development. However, crucial to the acceptability of the development will be the layout and scale of the development over the whole site and how this relates to this area. Such details would be considered through the reserved matters.

5.6 Impact on Residential Amenity

- 5.6.1 In terms of this outline application the built form of the development is only shown as indicative in layout, appearance and scale terms. Nevertheless this can be assessed in regard to the impact upon the nearest residential properties although will be further assessed through the reserved matters once the definitive proposed layout and form of development is shown. The nearest residential properties are located as 1, 3 and 5 Mill Road and are located to either side of the proposed new access into the site. The indicative masterplan of the development shows that plots 1 to 4 would be closest to these dwellings. Plot 1 would be 25m from number 3 and 5 based on building to building distances of the proposed dwelling, the garage block is indicated at being 15m from number 5.
- 5.6.2 Beyond the western boundary is the neighbouring employment land allocation known as the Mayland Industrial Estate where there are light and general industrial uses. The indicative masterplan shows that residential dwellings would be introduced in a much closer location to these industrial units than any existing residences in the area. The indicative masterplan raises concerns for the future amenities of plots 20 to 26 which may be subject to noise and disturbance issues from the neighbouring employment land. The previous application was refused planning permission on the basis of such concerns and in the absence of a noise impact assessment.
- 5.6.3 The current application includes a noise impact assessment which identifies that plant equipment associated with two existing industrial units generate audible noise that would impact upon the site and the future residents of the nearest affected dwellings.

Environmental Health advise that this level of noise would lead to poor living conditions, a low quality of life and impact upon an occupants wellbeing.

Environmental Health are also concerned about the residential use of the application site creating a more sensitive environment which could lead to future restrictions placed upon neighbouring employment uses and affect their ability to operate as businesses. The noise impact assessment identifies that sound reductions could be achieved through relocation of the plant equipment or a potential alternative plant. The businesses that operates from neighbouring employment land have stated, in written correspondence attached to the noise impact assessment, that they are willing to reduce, replace or screen/enclose the noise sources at the applicants cost.

- 5.6.4 The previous application identified issues with possible noise form the neighbouring industrial estate. An Acoustic Consultant was appointed to carry out testing to determine impacts the adjacent industrial estate would have on the proposed housing. The findings indicate that some mitigation will need to be employed to bring levels to a satisfactory level for residents of the new development.
- 5.6.5 The supplied Heads of Terms state that it is intended that an undertaking will be provided for the costs of carrying out such noise mitigation works as necessary and recommended by the applicant's noise consultant to insulate machinery or buildings in the neighbouring Mayland Industrial Estate prior to the first occupation of any dwelling in the development.
- 5.6.6 It is considered that provided the works are carried out, following the securement of legal agreement, the development would not result in a demonstrably negative impact in relation to noise. The mitigation measures would need to be implemented prior to the first occupation of any dwelling and that mitigation measures shall remain in existence at all times thereafter.

5.7 Access, Parking and Highway Safety

- 5.7.1 Access is a matter for consideration as part of the current application. The block plan shows that the access would be taken from the south of the application site, from Orchard Drive. The applicant has submitted a robust Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal. The Steeple Road / Nipsells Chase junction has been assessed and will continue to operate well within capacity now and in the future.
- 5.7.2 Essex County Highways Authority have raised no objection to the proposal, subject to conditions regarding the submission of a Construction Method Statement, access arrangements to be carried out in accordance drawing no.5950/01 Rev A, public rights of way to be maintained free and unobstructed at all times, the requirement of a travel information pack, and to ensure that no discharge surface water shall go onto the highway.
- 5.7.3 Therefore, the Highways Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

- 5.7.4 In terms of car parking, layout is not a matter for consideration as part of this current application. The application comprises a mix of one bedroom, two bedroom, three bedroom and four bedroom dwellings. The Maldon Vehicle Parking Standards state that for a one bedroom unit, a maximum of one space should be provided, for a two / three bedroom dwelling, a maximum of two car parking spaces should be provided, and for a four bedroom dwelling, a maximum of three spaces should be provided.
- 5.7.5 Whilst layout is not a matter for consideration as part of the current scheme, the site is considered to be large enough to meet the Maldon Vehicle Standards for the mix of dwellings proposed.
- 5.7.6 In light of the above, the proposal, subject to conditions would not result in demonstrable harm to highway safety or the free flow of traffic, in accordance with policy T2 and the NPPF.

5.8 Private Amenity Space and Landscaping

- 5.8.1 The application form states that the proposal would accommodate a mix of one bedroom, two bedroom, three bedroom, and four (or more) bedroom dwellings. The Essex Design Guide states that dwellings containing one or two bedrooms should accommodate a minimum of 50sqm of private amenity space, with dwellings containing more than three bedrooms accommodating 100sqm of private amenity space.
- 5.8.2 In terms of flats, the Essex Design Guide states that communal residents gardens can be provided on the basis of a minimum area of 25sqm per flat. These areas must be screened over eye level, a must contain a sitting out area which receives sunshine during at least one part of the day.
- 5.8.3 Layout is not a matter for considerations as part of the current application. An indicative block plan has been provided as part of the application which shows that private amenity space varies between the plots with the minimum provision of 46sqm and a maximum provision of 340sqm. The building to the north of the site, centrally located provides no amenity space, and it is not evident where communal land is located. Whilst the site is considered to be large enough to accommodate a sufficient level of amenity space to meet the requirements of the Essex Design Guide and policy BE1, the proposal as submitted fails to meet this requirement. This should be considered prior to the reserved matters submission.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/15/00678** - Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018). Refused - 22 October 2015. This application is currently being appealed. However, the appeal has been held in abeyance whilst the Council considers the new viability position.
- **OUT/MAL/15/00018** - Outline planning permission for demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an

adoptable standard. Access to be taken off Mill Road with some other matter reserved. Refused - 14 April 2015.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Support: <ul style="list-style-type: none"> - Brownfield land is used and this begins the upgrading of Mill Road. - This recommendation is subject to the additional parking, maximum two-storey building and pedestrian walkways. 	Noted – Parish Trigger.

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Sustainable Urban Drainage Systems (SUDs)	No objection, subject to conditions.	Acknowledged
Essex County Council (ECC) Education	No objection subject to Section 106.	Acknowledged
Natural England	No objection, subject to conditions.	Acknowledged
Essex County Fire and Rescue	No objection.	Acknowledged
Essex Highways	No objection, subject to conditions / S106.	Section 5.7 of this report.

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Maldon District Council Housing	Object.	Please see Section 5.3 of this report.
Leisure & Liveability	No objection, subject to conditions.	Acknowledged.
Archaeology	No objection, subject to conditions.	Not applicable (N/A).
Environmental Health	No objection, subject to	Acknowledged.

Name of Internal Consultee	Comment	Officer Response
	mitigation / conditions.	
Policy	Objection.	Please see Section 5 of this report.
Conservation Officer	No objection.	N/A.

7.4 Representations received from Interested Parties (*summarised*)

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

- Mary Butcher - 5 Mill Road, Mayland, Chelmsford, CM3 6EQ
- Alena Fisher - Yeoman farm cottage, 12 Mill Road, Mayland, CM3 6EQ
- Victoria Harris - 7 Mill Road, Mayland, Chelmsford, CM3 6EQ
- Gareth Jenkins - 53 Steeple Road, Mayland, Chelmsford, Essex CM3 6EG
- Brenda Major - Mill House, Steeple Road, Mayland, CM3 6EG (Petition 31 signatures)
- David Shiers - 15 Mill Road, Mayland, CM3 6EQ
- W F Wood - 11 Mill Road, Mayland, CM3 6EQ

Objection Comment	Officer Response
Not in keeping with other properties in Mill Road.	
This development would set a precedent for any future developments in Mill Road.	
All of our 5 bedrooms will be overlooked by 7 of the 35 properties proposed to the side and rear of our property. The current buildings on the site are of single storey.	
The additional trees proposed for the side and rear of our property for screening purposes will block the natural light to our property.	
The additional trees proposed for the side of our property could obscure the vision of mill Road when exiting our driveway.	
Mayland has a limited range of retail shops and schools with the nearest supermarket and secondary schools in Maldon or South Woodham Ferrers.	
Access to public transport currently has only a limited timetable.	
There is no pedestrian route to the pre-school, primary school and doctors surgeries in Maylandsea.	
As most households have at least 2 vehicles this will well over double the amount of traffic using Mill Road and	

APPENDIX 1

Objection Comment	Officer Response
will put pedestrians and horseriders at risk.	
This is a nice, peaceful and secluded road.	
Concerns that this will be very detrimental to the value of our property.	
Concerns with increasing cars and traffic	
This is not an area younger people will be interested in.	
It will have a direct impact on my property and my livestock.	
The upgrading of Mill Road to a 5.8mtr. type 5 road is impossible without extending the width of the road where it borders my property.	
This application contains no substantive alterations to either of the previous applications made for this site.	
There is nothing special with respect to this one site within a rural lane of similar sized plots.	
The site is currently used for a number of purposes (e.g. B and H Taxis who maintain a 24/7 business usage).	
The district plan is not proving to be robust – there are a number of landholders waiting on the decision for this site to put in further applications for their own land.	
Concerns regarding the width of the road and the nature of the junction with Steeple Road will not be adequate for the proposed traffic, let alone the real road width.	
Concerns with regards to Mayland industrial estate noise.	
According to the Parish Extract, The Maylands, First Review, Mill Road is in a ‘Coastal Protection Belt’ and therefore no development is allowed except under exceptional circumstances.	
Concerns regarding the proposed demolition of two remaining barns, although not listed must be of historical interest.	
This land should be protected for its landscape and for its historical and recreation value.	
Concerns with regards to some buildings	

Objection Comment	Officer Response
having windows on third floor – which means 3 story building, which is not in keeping with Mayland.	

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

- Alwynne Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Asa Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- David Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Sam Anderson - Willow Down, Pillar Box Corner, Mundon, CM9 6NR
- Andrew Bennett - 20 Mildmay Road, Burnham On Crouch, CM0 8ED
- Liam Blackie - 4 St Nicholas Road, Tillingham, CM0 7SH
- K E Briton - 52 Second Avenue, Frinton On Sea, CO13 9LX
- Sarah Brown - 59 Bramley Way, Mayland, CM3 6ES
- Vicki Burnett - 36 Southfield, Tillingham, CM0 7FU
- Lauren Charlton - 26 Snoreham Gardens, Latchingdon, CM3 6UN
- Chris Colwill - 66a Imperial Avenue, Mayland, CM3 6AH
- Sean Conn - 17 Wormandy Avenue, Burnham On Crouch, CM0 8JR
- Thomas Connolly - 2 Hawthorne Cottages, Rushes Lane, Asheldham, CM0 2WY
- Karen Coombe - 2 Chestnut way, Tiptree CO5 0NX
- C Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- James Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- K S Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- P A Coombe - 2 Chestnut Way, Tiptree, C05 0NX
- Peter Cooper - 3 Tile Corner Cottages, Marsh Road, Tillingham, CM0 7SZ
- David Lee - 23 St Johns Court, Nipsells Chase, mayland, CM3 6GH
- Aurely de Smith - 16 St Albans Road, Colchester, C03 3JQ
- Diane Lee - 23 St. Johns Court, Nipsells Chase, Mayland, CM3 6GH
- N Dowick - 33 Winstree Road, Stanway, Colchester, CO3 0QG
- Dennis Drape - 52 Wood Road, Heybridge, CM9 4AU
- L Drape - 52 Wood Road, Heybridge, CM9 4AU
- Gary Eakin - 94 Imperial Avenue, Mayland, CM3 6AF
- Ruth Edge - 13 The Avenue, Newmarket, Suffolk, CB8 9AA
- B R Edwards - 21 Wembley Avenue, Mayland, CM3 6AY
- M.B.F Edwards - 56 Station Road, Burnham On Crouch, CM0 8HF
- I L Edwards - 21 Wembley Avenue, Mayland, CM3 6AY
- S Edwards - 7 Western Road, Burnham On Crouch, CM0 8JE
- Ashley Emans - 8 Derby Close, Mayland, CM3 6TB
- Christine Etheridge - 3 Burnham Road, Latchingdon, CM9 6EU
- Ian Etheridge - 3 Burnham Road, Latchingdon, CM9 6EU

- G Evans - 50 West Avenue, Maylandsea, CM3 6AF
- Katie Evans - 9 Teal Avenue, Mayland, CM3 6TU
- Lee Evans - 9 Teal Avenue, Mayland, CM3 6TU
- Lorraine Evers - Mayland House, Smiths Avenue, Mayland, CM0 7RM
- Devon Evers - Mayland House, Smiths Avenue, Mayland, CM3 6AS
- Abigail Eyles - 92 Brockenhurst Way, Bicknacre, CM3 4XW
- D Ford - 58 Lavender Drive, Southminster, CM0 7RX
- Tessa Ford - Little Oaks, Mayland Green, Mayland, CM3 6BD
- Viv Foster - Austral Lodge, Fambridge Road, Althorne, CM3 6BZ
- Julie Fowler - 82 Granger Avenue, Maldon, CM9 6AN
- David Gregg - 1 Katonia Avenue, Mayland, CM3 6AD
- Susan Gregg - 1 Katonia Avenue, Mayland, CM3 6AD
- Victoria Gusterson - 25 Holland Road, Lt Clacton, CO16 9RT
- Kenneth Hand - Crouch View Cottage, Burnham Road, Burnham On Crouch, CM0 8NT
- Oliver Harber - 10 Elsdon Chase, Southminster, CM0 7EX
- Kelly Harbott - 11 Fels Way, Mayland, CM3 6AN
- Nick Harbott - 11 Fels Way, Mayland, CM3 6AN
- B Harrington - 32 Steeple Road, Mayland, CM3 6BB
- V Harrington - 32 Steeple Road, Mayland, CM3 6BB
- J Harris - 60 Falklands Road, Burnham On Crouch, CM0 8SN
- Mark Harvey - 24 Medway, Maldon, CM9 5JR
- Lee Home - Dent Correction, Unit 16, Maylandsea Ind Estate, Steeple Road, Mayland, CM3 6AX
- Jane Hurley - Crystal Cottage, Rectory Lane, Latchingdon, CM3 6HD
- Rob Hurley - Crystal Cottage, Rectory Lane, Latchingdon, CM3 6HD
- Richard Keeble - 29 Ely Close, Southminster, CM0 7AQ
- James Knights - The Granary, Steeple Road, Mayland, CM3 6BE
- Roy Laybourn - Ashtree Farm, Steeple Road, Mayland, CM3 6EG
- Wendy Laybourn - Ashtree Farm, Steeple Road, Mayland, CM3 6EG
- David Lee - 23 St.Johns Court, Nipsells Chase, Mayland, CM3 6GH
- Paul Likeman - 1 Mill Road, Mayland, CM3 6EQ
- Howard Martin - 20 Mariners Way, Maldon, CM9 6YW
- Ruth Martin - 7 Wentworth Meadows, Maldon, CM9 6EH
- Mayland Service Station - 28 Steeple Road, Mayland, CM3 6BB
- Liam McMahon - Panther Projects, Unit 13, Mayland Ind Est, Steeple Road, Mayland, CM3 6AX
- David Meurs - 1 Mayfields, 38 Crouch Road, Burnham On Crouch
- Jane Ogden - 35 Burnham Road, Latchingdon, CM3 6EU
- George Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- Harry Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL

APPENDIX 1

- Jack Partridge - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- Frances Pickton - 14 Essex Road, Burnham On Crouch, CM0 8RX
- Sarah Pickton - 14 Essex Road, Burnham On Crouch, CM0 8RX
- Emma Pollard - 11 Bramley Way, Mayland, CM3 6ER
- Sophie Pollard - Mount Pleasant Lodge, Foxhall Road, Mayland, CM0 7LB
- Keith Powell - 17 Mill Road, Mayland, CM3 6EQ
- Abigail Powl - 3 Mill Road, Mayland, CM3 6EQ
- Sarah Powl - Aerie, The Street, Steeple, CM0 7RM
- C Pragnell - 35 Burnham Road, Latchingdon, CM3 6EU
- G Quinn - 3A Newhaven Way, Harwich, CO12 3NF
- Paul Regan - 63 Bramley Way, Mayland, CM3 6ES
- Vicki Regan - 63 Bramley Way, Mayland, CM3 6ES
- P Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- Toni Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- Hannah Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- T Stalley - Tideways Lodge, Steeple Road, Latchingdon, CM3 6LD
- W Stone - Little Oaks, Mayland Green, Mayland, CM3 6BD
- Carly Surry - 2 Fels Way, Mayland, CM3 6AN
- Susan Surry - Cranbrook, Summerhill, ALthorne, CM3 6BY
- The Occupier - Gate Farm, Bradwell Road, Steeple, CM0 7LL
- The Occupier - 14 The Belvedere, Burnham On Crouch, CM0 8AW
- The Occupier - 4 Turnstone End, Longridge, Colchester, CO4 3FS
- The Occupier - 11 Otho Drive, Colchester, CO4 9ES
- The Occupier - 36 Southfields, Tillingham, CM0 7FU
- Peter Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- P Robinson - 19 Wembley Avenue, Mayland, CM3 6AY
- The Occupier - Blackwater Farm, New Hall Lane, Mundon, CM9 6PJ
- The Occupier - 1 Mill Road, Mayland, CM3 6EQ
- The Occupier - 2 Hawthorn Cottages, Asheldham, CM0 7NY
- David Tremain - 36 Bramley Avenue, Mayland, CM3 6ER
- Hazel Tremain - 36 Bramley Avenue, Mayland, CM3 6ER
- Allan Wainwright - Aerie, The Street, Steeple, CM0 7RM
- Becky Walker - 25 Cherry Orchard, Southminster, CM0 7HE
- S Wallis - 44 New Road, Burnham On Crouch, CM0 8EH
- Tom Watkins - 26 Snoreham Gardens, Latchingdon, CM3 6UN
- A Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- D Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- S Watson - Firth View, Steeple Road, Mayland, CM3 6BE
- Elaine Winter - 50 Coombe Road, Southminster, CM0 7AH
- Holly Winter - 50 Coombe Road, Southminster, CM0 7AH

- C Wright - 20 Bramley Way, Mayland, CM3 6ER
- James Wright - 2 Fels Way, Mayland, CM3 6AN
- L Wright - 66a Imperial Avenue, Mayland, CM3 6AH
- M Wright - 94 Imperial Avenue, Mayland, CM3 6AF

Supporting Comment	Officer Response
The development is on a brown field site in line with current government recommendations.	
It does not encroach on any green field or rural locations.	
The upgrade of Mill Road is a logical step for the future development of infrastructure in the village.	
The Mushroom Farm had been a disused site for many years and many of the buildings are in bad conditions and could not be effectively refurbished for other uses.	
Further development of The Drive and Nipsells Chase is not viable due to existing traffic flow through the village.	
The sewage problem in the village is not compromised as Mill Road has a substantial sewer from a different system.	
All other services are available in Mill Road.	
The housing density and percentage of affordable housing makes this a good application.	
It would complement the proposed nursing home on the east side of Mill Road.	
It's about time development was allowed to this side of Mayland (Instead of Mayland-Se on green field land).	
The layout designs look really good, giving large space and variety to all house lots, which will not become an eye-sore.	
Beneficial to the Mayland's growth and infrastructure.	
Utilities are available, it is close to a bus route.	
The farm in its current state could potentially be a danger if people trespass onto the property.	
This application I believe that all the negatives against this development have been addressed.	

Supporting Comment	Officer Response
The village is in need of new housing for its young people who are having to move out of the village due to lack of housing.	

8. **REASONS FOR REFUSAL**

1. The site is in a sensitive rural location outside of the defined settlement boundary for 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 Local Development Plan to meet the objectively assessed needs for housing in the District. The proposal would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.
2. The proposed development would not meet the requirements for affordable housing provision in this part of the District. The development would not therefore contribute to a strong vibrant community because it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development contrary to policies S2 and H1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, H1 and I1 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework, in particular Paragraphs No. 7, 14, 17 and 50.