



**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00738
Location	Land Adjacent High Steppers Batts Road Steeple Essex
Proposal	Demolition of existing buildings and structures and replacement with 7 new residential dwellings
Applicant	Mr & Mrs Richard Shepherd
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	15 September 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent High Steppers, Batts Road, Steeple
FUL/MAL/17/00738



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	29/08/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

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

3.1.1 Site description

3.1.1.1 The site is located to the northeast of Batt's Road and it is currently occupied by a commercial yard, comprising a number of single and two storey buildings and shipping containers.

3.1.1.2 Immediately adjacent to the west of the application site are two residential chalet style dwellings, with front gable projections. To the southeast of the site the area appears to be used for commercial purposes, while the surrounding area is characterised by fields. The built areas within the immediate area are very limited.

3.1.1.3 The application site is sited to the southeast of the Steeple settlement boundary, which is approximately 1km away, and it is accessed through an established entrance onto Batt's Road.

3.1.2 Description of proposal

3.1.2.1 Planning permission is sought to demolish the existing single and two storey buildings and remove the existing shipping containers on the land adjacent to High Steppers and erect seven detached dwellings with associated off-street parking and amenity space.

3.1.2.2 The proposal would involve the erection of the following dwellings:

- Two no. two bedroom, two storey dwellings - The houses would have an internal floor area of approximately 86sqm and they would measure 8.8m deep, 6.1m wide and 4.8m high to the eaves, with a maximum height of 7.9m. The two dwellings would have different detailed design; however, their overall mass and scale would be similar, incorporating a main gabled roof. The dwelling to the south would have two double storey gable projections, while the dwelling to the north would incorporate three eave high dormers to the front elevation. It is noted that there are discrepancies between the floor plans and elevations, given that the front projecting gables have not been shown on the floor plans. Should permission have been recommended, a pre-commencement condition for the proposed floor plans to tie up with the proposed elevations would have been imposed.
- Two no. three bedroom, chalet style dwellings - The internal area of the dwelling would be around 172sqm and they would measure a maximum of 14.5m wide, 10.5m deep and 4m high to the eaves with a maximum height of 7.4m. The dwellings would have a main gabled roof, with eave high dormers to the front and a hipped roof porch. To the rear the roof of the dwellings would have an elongated roof plane with three gabled roof dormers. The properties would have a single storey element projecting to the side of the main dwelling.
- Three no. four bedroom, chalet style dwellings, with front and rear gable projections - The properties would measure around 186sqm internally.

Externally they would measure a maximum of 9.5m deep, 12.8m wide and 4m high to the eaves, with a maximum height of 7.7m. The dwellings would have double storey front and rear projections, as well as eaves high dormers with gable roofs. The main roof would be gabled.

3.1.2.3 Amenity space would be provided to the rear of the properties and it would measure, between 130sqm and 150sqm for the two storey dwellings, between 640sqm and 800sqm for the three bedroom dwellings and between 410sqm and 600sqm for the four bedroom dwellings.

3.1.2.4 A new road would be formed to give access to the proposed dwellings which will be linked to and alter the existing access to the High Steppers Farm. Hardstanding would be formed adjacent to all dwellings to be used for parking. With the exception of the two bedroom dwelling to the south, the rest of the proposed dwellings would benefit from at least two off-street parking spaces each. An additional four off-street parking spaces (including two disabled) have been shown to be provided on site, to the north of the two bedroom dwellings.

3.1.2.5 No details of refuse or cycle parking details accompany the application.

3.1.2.6 Materials to be used would include white finished windows and doors, plain clay tiles and the external walls would be finished in brickwork and render. The properties would be bounded by brick walls with posts and rail fencing.

3.2 Conclusion

3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, the land used for employment purposes and on the grounds that the urban nature, siting, layout, plot size, scale, proportions and design of the proposed dwellings would result in a development materially harmful on the rural character of the area, which is indicative of the overdevelopment of the site. Concerns are also raised regarding the limited off-street parking provision for one of the proposed dwellings and the usability of some of the proposed parking spaces within the site. In light of the above, it is considered that the development would substantially harm the visual amenity and character of the area and adversely impact upon the provision for off-street parking to an extent that it cannot not outweigh the positive impacts of contributing towards the needed residential accommodation within the District.

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:

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles

- 29-41 - Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications
- 216 - Weight of emerging plans

4.2 Approved Maldon District Local Development Plan (July 2012) Policies:

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy E1 – Employment
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Council Five Year Housing Land Supply Statement 2015/2016 (August 2016)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 It is proposed to demolish the existing buildings at the land adjacent to High Steppers Farm, which is currently used as a commercial yard and erect seven dwellings.
- 5.1.2 The site lies outside Steeple settlement boundaries as defined by the approved Maldon District Local Development Plan (LDP) and therefore, the development is contrary to development plan policies.

5.1.3 Policy S1 of the Local Development Plan states that:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*

5.1.5 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (LDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.

5.1.7 Although the site is already occupied by buildings and shipping containers, the proposed residential development would compromise the identity and rural character of the area. The proposal, as shown, by reason of its location outside the settlement boundaries, the number of residential units proposed and the urban nature of the development would be out of keeping with the grain and scattered built form of the area, which would be harmful to the rural character of the area and contrary to the development plan policies.

- 5.1.8 As noted above the site is located outside the settlement boundaries, approximately 800m distance away from Steeple, which is a small residential village with limited services and local facilities. Therefore, the village has very limited sustainability credentials from an accessibility perspective. More extensive facilities are available in Southminster, around 3.5km away from the application site. The nearest bus stop from the site is located approximately 800m distance away from the application site, which has no frequent links with main employment opportunities areas or areas providing local services and amenities. Although the applicant states that the site is located in a “Hail and Ride” section of the route, the road is a fast 60mph stretch of public highway, without any public footpaths and as such, any future occupiers of the residential units would have to wait on the public highway in order to stop a bus. This is not considered to be an attractive or favourable option and it is considered unlikely that the future occupiers would use public transportation for their day to day needs and for commuting to work.
- 5.1.9 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.
- 5.1.10 The applicant in his statement confirms that the site is currently occupied as a commercial yard, comprising a number of buildings used for various activities falling within use classes B2, B8 and sui generis. Policy E1 of the Maldon District Local Development Plan states that “*Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
 - 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
 - 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.*
- 5.1.11 Although the applicant states that the present use of the site harms the character and amenity of the area and the re-use of the site as a residential site would be beneficial to the community, it is considered that given that character of the area and the existing mainly non-residential established uses, including Batt’s Farm to the south and large open paddock to the north, it is not considered that the current commercial yard which runs over a continuous 40 years is materially harmful to the character and amenity of the surrounding area. Whilst it is stated that the retail motor business would be re-located within the District, no justification as to where the use would be located has been provided to the local authority. In the absence of justification demonstrating that

the site has been marketed effectively in a comparable price to other similar uses demonstrating that the commercial use of the site is no longer viable, an objection is raised in relation to the loss of the existing commercial use.

- 5.1.12 It is also noted that the similar approach to the loss of an existing employment use (B use class) was recently dismissed on appeal (APP/X1545/W/17/3169458). The appeal decision refers to two recently published documents regarding employment land (Employment Land Review and Employment Evidence and Policy Update, both published in 2015) which both indicate that the district has a large number of small businesses and is a relatively strong location for smaller businesses and those working at home. The study also notes that there are a limited number of employment sites which are not often located within business parks or industrial estates, and an identified need for more employment land. On the basis of the above, the inspector concluded that the loss of the B Use Class needs careful consideration, given the needs for employment sites of this nature within the District. Furthermore, she added that in the absence of marketing evidence to support the application the justification for the loss of the employment floorspace was insufficient.
- 5.1.13 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (five year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.14 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

5.2 Affordable Housing

- 5.2.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Policy H1 of the Local Development Plan (LDP) provide thresholds for the provision for both on and off site affordable housing.
- 5.2.2 Policy H1 of the Maldon District Local Development Plan states that *“All housing developments of more than 10 units or 1,000 sqm 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”*.
- 5.2.3 The proposed dwellings would result in a total floor area of approximately 1,074sqm and therefore, it triggers the requirement for affordable housing provision, which in the area is set at 25% according to policy H1.
- 5.2.4 The requirements at 25% - 40% affordable housing provision based on the recommendations of the Maldon District Council Strategic Housing Market Assessment (SHMA) 2014 are:

80% smaller	35% 1 bed (2 persons)
	45% 2 bed (4 persons)
20% larger	20% 3 bed (5 persons), 4 bed (7 person)

5.2.5 All affordable housing provision should be suited to meet needs of older people. 1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. It is also noted that the recommendation on tenure mix is:

80%	Social/Affordable Rented
20%	Intermediate (Shared Ownership)

5.2.6 The Housing Department of the Council has been consulted and it has been raised that the Parish of Steeple is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, Designated Protected Areas in the East of England Schedule 7. This restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property.

5.2.7 The applicant proposed to provide two no, two bedroom (4 persons) affordable houses and therefore, the development would accord with the requirements of policy H1. The housing department would be in support the provision of two, two bedroom dwellings to assist the affordable housing need and therefore, no objection is raised in that respect. Should permission be granted, the Affordable Housing Scheme would have been agreed by Maldon District Council's Housing Department as part of a Section 106 Agreement (S106). However, if a S106 is not completed to the time that the application is determined to protect the Council's position, it will be necessary to refuse the application on the grounds that inadequate provisions are in place for the delivering of affordable housing contrary to policy H1 of the LDP.

5.3 Design and Impact on the Character of the Area

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that "*The 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*".

5.3.3 Paragraph 64 also 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*".

5.3.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

5.3.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.

5.3.6 The proposed dwellings would be located outside the defined settlement boundaries and by reason of its siting and more urban nature would appear entirely at odds and out of keeping with the rural character of the area. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.

5.3.7 In terms of the siting and layout of the proposed dwellings, although wide gaps would be maintained between the dwellings, the properties would be sited in a comparably close proximity one another when assessing the position of the houses in the surrounding area. Therefore, it is considered that in comparison to the wider character of the locality and the separation distance maintained between the buildings in the surrounding area, the development, as proposed, would result in a more urban grain.

5.3.8 Neither of the properties would have immediate access to the highway and this is an uncharacteristic relationship with the public highway and means of access. Whilst this arrangement may have been considered acceptable in another location of a more suburban style of development, in this instance, it is considered that the development, by reason of the siting in relation to the highway and urban nature, would be detrimental to the character and appearance of the area.

5.3.9 In relation to the overall scale and design of the dwellings, it is noted that the limited examples of residential properties within the immediate area are large scaled dwellings, sited within very large plots. The proposed dwellings would appear disproportionate with the existing dwellings in the wider area and rather out of keeping with the scale and mass of the neighboring dwellings.

5.3.10 Although the dwellings within the wider area are of varying style and design and there is no particular requirement for the dwellings to draw full reference from the particular features of the nearby properties, the nearest properties to the application site are chalet style dwellings, with double storey front gable projections and gabled roof dormer windows of similar overall character and style. Although it is accepted that the proposed four bedroom dwelling would draw some reference from the style of the neighboring dwellings, the three and two bedroom dwellings do not reflect the

character of the adjacent properties. Furthermore, the proposed ridge height of the dwellings would be varying and the eaves height would not be maintained. Whilst no objection is raised to the provision of three styles of dwellings, it is considered that the variation of the ridge and eaves height would result in an inconsistent form of development.

- 5.3.11 A number of eaves high dormers are proposed to all dwellings and this is not a characteristic of the area. It is considered that by reason of the number of eaves high dormers proposed to the dwellings, the development would result in a convoluted and unresolved roof form. Furthermore, although sufficient fenestration has been incorporated to the proposed development, it is considered that the proportion of the windows proposed at ground floor should have been larger from those at first floor in order to provide a level of subservience of the upper floors. It is also noted that the windows at ground floor should be aligned with the windows to the upper floors.
- 5.3.12 No objection is raised to the proposed materials. Should permission have been recommended, the details of the proposed external finished materials would have been agreed by condition.
- 5.3.13 On the basis of the above, it is considered that the proposed development, by reason of its siting, urban nature, plot size, layout, scale, proportions and design would result in a development out of keeping with the grain and character of the countryside.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The proposal is to convert the existing commercial yard to seven residential dwellings. Given the nature of the existing use of site, although the development would result in a level of activity from the future occupants of the dwelling, this would be likely to result in less activity and associated noise than the current commercial use. Therefore, it would not result in a materially harmful impact on the residential amenity of the nearby neighbours, in terms of noise and disturbance and in some respects would represent an improvement.
- 5.4.3 The nearest residential property would be sited approximately 10m away from the three bedroom chalet style dwelling to the northwest of the application site and 20m from the two bedroom, two storey dwelling to the southwest. Given the separation distances, it is not considered that the proposed development would have a detrimental impact on the residential amenity of the neighbours, in terms of loss of light, domination or sense of enclosure.
- 5.4.4 The adjacent dwelling to the west has existing large windows to the east elevation. Should permission have been recommended the secondary bedroom window of the three bedroom dwelling to the northwest of the application site would have been conditioned to be glazed in obscure glass, in order to prevent from any real or perceived overlooking.

5.4.5 The proposed development would not have any greater impact on the other nearby residential property.

5.5 Access, Parking and Highway Safety

5.5.1 Policies D1 and T2 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising two / three bedrooms require a maximum of two off-street parking spaces, while four bedroom dwellings require a maximum of three.

5.5.3 With the exception of the proposed two bedroom dwelling to the south, which by reason of the size of the hardstanding (5m x 4.5m) and limited turning area (4.8m) is unable to provide off-street parking adjacent to the site, the rest of the dwellings would be provided with at least two off-street parking spaces within the curtilage of each proposed dwelling. In order to accommodate off-street parking within the boundaries of the two bedroom dwelling to the southwest, the overall layout and positioning of the proposed dwelling should be amended. Therefore, on the basis of the information provided to the local authority, an objection is raised to the off-street parking provision. As noted in the 'principle of development' section, the site has limited and insufficient access to the public transportation and thus the lack of off-street parking, in this instance is not considered acceptable.

5.5.4 The submitted site plan (TMA/696/11) shows that an additional four parking spaces (two disabled) would be provided within the site. It has not been indicated whether these parking spaces would be used for visitor parking or for the future occupiers. Although the provision for additional visitor parking, including disabled bays is welcomed and in accordance with the guidance contained within the Vehicle Parking Standards, concerns are raised regarding the usability of these spaces, given that the turning area is less than the required 6m (only 4.7m).

5.5.5 In terms of the new vehicular and pedestrian access point to serve the development proposal and the footpath connection, the Highway Authority has raised no objection subject to imposition of the appropriate informative. However, it is noted that the development would rely on unspecified works to provide access to the site, given that the access proposed within the development would not be able to be linked with the existing access already formed to the north of Batts Road. Should permission have been recommended, the submission of further details in relation to the access to the site would have been imposed.

5.5.6 In terms of cycle parking provision, Maldon District Council's Vehicle Parking Standards (VPS) states that when no garages are provided, two cycle spaces should be provided per dwelling (two beds or more). The properties do not benefit from garages and no cycle parking has been shown to be provided on site. However, it is considered that the amenity space of all properties is large enough to accommodate cycle store and thus, should permission have been recommended, the details of cycle parking would be have been agreed by condition.

5.5.7 Similar to the above, refuse store would be required to be provided for each dwelling and no details for bin store have been submitted. Should permission have been recommended this would have been dealt with by condition.

5.6 Private Amenity Space and Landscaping

5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.

5.6.2 Based on the illustrative Site Plan submitted, it appears that the garden sizes for each proposed dwelling would be in excess of the minimum standards. Therefore, the outdoor amenity area provided would be sufficient to meet the needs of the future occupiers.

5.6.3 The size of the proposed dwelling would be large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.

5.6.4 It is considered that the soft landscaping proposed together with the private (rear) and semi-private (front) amenity spaces, would soften the development and it would positively contribute to the appearance of the proposed development. The details of the landscaping would have been dealt with by condition, should permission have been recommended by officers.

5.7 Other Material Considerations

5.7.1 Contamination

5.7.1.1 Due to the current use of the site as a commercial yard, there are concerns of the land being contaminated. Should the application have been recommended for approval, a pre-commencement condition to carry out an investigation and risk assessment would have been imposed.

5.7.2 Ecology

5.7.2.1 A Phase 1 Habitat Survey has been carried out, given that the site lies within a National Site of Special Scientific Interest. The findings of the survey are that the areas affected by the proposed development are considered to have negligible ecological value and the development would not result in an adverse impact such as to warrant refusal of the application of ecology grounds.

5.7.3 Drainage System

5.7.3.1 Concerns were raised from the Environmental Health Services regarding the capacity of the drainage system in order to cope with the effluent of the proposed development. Additional details are required to be submitted to demonstrate that this would not result in an adverse impact on the capacity of the treatment plant. Should permission

have been recommended, the above concerns would have been dealt with by condition.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00011** – Proposed demolition of existing buildings and structures and replacement with 7 new residential dwellings. Application withdrawn.
- **FUL/MAL/02/00309** – Proposed replacement commercial building to form a ‘Triumph’ Motorcycle Museum in conjunction with the conversion of the existing dwelling (Highsteppers) to form a clubhouse-restaurant, outside activity area, erection of replacement dwelling in conjunction with the surrender of all subsisting commercial uses on the site save for that of preparation and sale of Plant Machinery to ensure for the sole benefit of Richard Sheppard for a maximum period of 10 years from the date of consent. Planning permission granted.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Steeple Parish Council	Steeple Parish Council supports this application	Comment noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to conditions.	Noted in paragraph 5.5.5 of the report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle of the development; however, the following concerns were raised:</p> <ul style="list-style-type: none"> • Due to the previous use of the site there may be contamination present. Conditions are recommended in that respect. 	Please refer to relevant paragraphs 5.7.1 and 5.7.3 of the report.

Name of Internal Consultee	Comment	Officer Response
	<ul style="list-style-type: none"> Concerns regarding the capacity of the existing the drainage system. Conditions are recommended. 	
Housing Department	The Applicant is proposing to provide 2 affordable units. Strategic Housing Services is in support of this application which is providing affordable housing that assists in meeting the affordable housing need of the District.	Please refer to relevant 'Affordable Housing' section of the report.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. REASONS FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundary of Steeple where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and it would result in an unjustified loss of employment land. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 The proposed development, by virtue of its urban nature, siting, layout, plot size, scale, proportions and design would fail to protect and enhance the character and appearance of the rural area and the scattered built form and would result in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The development is therefore unacceptable and contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and

Government advice contained within the National Planning Policy Framework (2012).

- 3 The proposed development, by reason of the inadequate hard surfaced area for the two bedroom dwelling to the southwest and insufficient turning area would fail to meet the off-street parking requirements and would result in a detrimental impact on the highway and pedestrian safety contrary to policy T2 of the Maldon District Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).

Unless a complete S106 to deliver two no, two bedroom (4 persons) affordable homes is submitted and agreed prior to the approval of planning permission, it is also recommended that the application is refused for the following reason:

- 4 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to policy H1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).