

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

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

Application Number	OUT/MAL/18/01476
Location	Tillingham Hall Farm, North Street, Tillingham, Essex
Proposal	Demolition of existing agricultural buildings and erection of up to 24 No. residential dwellings with access.
Applicant	The Dean & Chapter Of St Paul's Cathedral
Agent	Mr Steven Sensecall - Carter Jonas
Target Decision Date	15.04.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Major Application

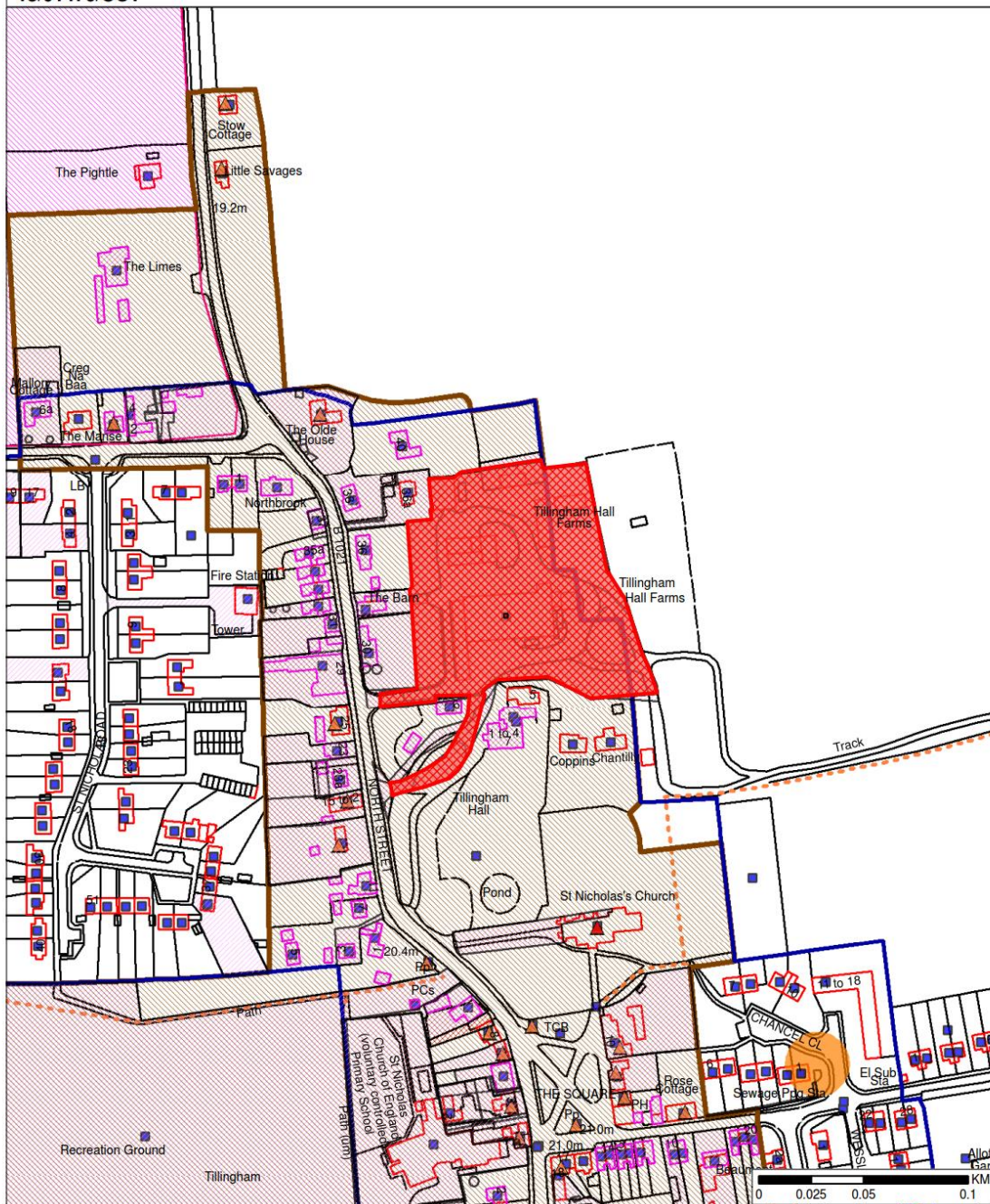
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

SE Committee
18/01476/OUT



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 08/05/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Site description

3.1.1.1 The site is 1.02 hectares in size and it is located within the northeast part of the village of Tillingham, set behind the residential development fronting North Street. The site is largely sited within the settlement boundary of the village of Tillingham and it lies within the Tillingham Conservation Area.

3.1.1.2 The site is a farmyard, comprising of a number of agricultural buildings, accessed from North Street. The buildings within the site range from 19th century stables to 20th century grain stores and equipment sheds with hardstanding. Vehicular access is via a concrete drive adjacent to No. 30 North Street, which extends 24 metres in length into the site. There are some mature trees within the northeast and southwest parts of the site, creating a verdant character in the area. A well-established belt of trees is to the east of the site.

3.1.1.3 The conservation area is characterised by a variety of dwellings of different finishing materials, scales and designs. The oldest houses are timber framed and weather-boarded, while there are several Victorian brick terraces.

3.1.1.4 To the west are five dwellings fronting North Street, one of which (No. 36A) is in a backland location within 9 metres of the site boundary. To the south is Tillingham Hall, a large 19th century unlisted house which has been converted into seven flats. To the east of the hall are two modern dwellings (Coppins and Chantilly) whilst to the west is an open fronted cart lodge with a residential unit above; this is located close to the application site boundary and in particular, immediately adjacent to the south of the proposed pedestrian access. Further south is St. Nicholas Church which is Grade II* listed.

3.1.1.5 The village itself is served by shops, two pubs, a primary school, medical centre and other community facilities. To the north and east are open fields dropping down to marsh and the coast.

3.1.2 Description of proposal

3.1.2.1 The development is outline in nature, with matters of appearance, landscaping and scale reserved for future consideration, and proposes the demolition of most of the redundant agricultural buildings and the erection of 24 residential dwellings, with associated off-street parking, amenity areas and landscaping. The existing single storey stable building to the southwest of the main part of the site, off the proposed pedestrian access is proposed to be retained and converted into two semi-detached bungalows, with undercroft access and parking. The rest of the 22 houses are proposed to be a mixture of 2, 3 and 4 bedroom, chalet style and two storey dwellings. The scheme involves a 25%

(6 units) on-site affordable housing contribution. No built form is proposed to be erected beyond the settlement boundary line.

3.1.2.2 The application is supported by a site plan, showing the access arrangements and the position of the proposed residential development. Whilst this proposal is in outline, given that the site is located within a conservation area, the application is supported by a level of detail included in plans, elevations and other documents to allow sufficient assessment of the impact of the development on the character of the conservation area.

3.1.2.3 The site would be accessed off of North Street. The vehicle access would be formed to the south of No. 6 Tillingham Hall, North Street (known as Coach House), east of the dwelling that was converted into seven flats, by widening and re-aligning the existing access that serves Tillingham Hall. The estate road would swing east and north through the site terminating with a turning circle. Pedestrian access would be formed between No. 6 Tillingham Hall North Street and No. 30 North Street, linking the site with an established footpath along North Street.

3.1.2.4 The proposed dwellings would be located facing the proposed estate road and there would be a mixture of detached, semi-detached and terraced properties of varying heights and design, including bungalows, chalets and two-storey houses. The development would also involve the erection of two detached garages, one at the southeastern corner of the site to serve plots 19 and 20 and one between the retained single storey structure to the southwest and plot 24, to serve plots 3 and 4. Plots 17 and 18 would be served by attached single storey garages. Although indicative, the application is supported by streetscene elevations showing a mixture of dwelling design and roof styles, including hipped, gabled and gambrel. A variety of design features have also been incorporated, including front projecting gables, ground floor bay windows and roof dormers. A mixed pallet of materials has also been shown to the external elevations, including red bricks, render painted cream and white weatherboarding.

3.1.2.5 In terms of the amount of development, according to the schedule of accommodation submitted with the application, it appears that 17 of the proposed dwellings would be 2-bedroom properties, five 3-bedroom and two 4-bedroom houses. All affordable units would be 2-bedroom houses, of which one would be a bungalow, two would be two-storey terraced dwellings and three terraced chalet style dwellings.

3.1.2.6 In terms of layout and dimensions the following are proposed:

- The existing single storey stable building to the southwest of the site would be converted to two semi-detached bungalows. This building measures 5.7m deep and 37.3m wide. Undercroft parking for Nos 1, 2, 22, and 23 would be formed at the centre of the building.
- Nos 3 and 4 would be a pair of semi-detached two -storey dwellings measuring 10m deep and 8.9m wide. Parking for these properties would be provided to the southeast in the form of a garage, sized 7m x 7m, and two off-street parking spaces.

- Nos 5 to 7 would be a terrace of three chalet style dwellings with front and rear dormers. The building would measure 8.7m deep and 16.3m wide. Parking for these properties would be off-plot to the southeast, opposite the plot and located within the turning circle, and to the north of the houses. A similar terrace is proposed opposite the turning circle (Nos 14 to 16), which appear to be of varying finishing materials. Similar to Nos 5 to 7 parking is not provided on-plot.
- Nos 8, 9, 12, and 13 are two pairs of semi-detached two-storey dwellings, being 13.7m wide and 7m deep, served by off-plot off-street parking.
- In between the abovementioned pairs of dwellings, a pair of two-storey semi-detached dwellings is proposed (Nos 10 and 11) with on-plot parking.
- Nos 17 and 18 are a pair of semi-detached two storey dwellings with attached single storey garages, which measure 17.4m wide by 6m deep (excluding the garages which project another 3.5m to the north and south of the pair).
- Nos 19 and 20 are another pair of semi-detached houses of a two-storey height with rearward projections. The properties measure 20m wide and 6.6m deep. Off-street parking for the properties is provided to the south in a form of a detached garage and tandem parking.
- Nos 21 to 23 are the terraced two-storey dwellings, measuring 20.4m wide and 7.1m deep.
- No. 24 is a detached two-storey squared house measuring 7.6m x 7.6m., parking for this property is provided to the north of the dwelling.

3.1.2.7 All gardens shown on the submitted site plan are policy compliant. All properties are also provided with a minimum of two off-street parking spaces each. An additional 6 visitor parking spaces are proposed.

3.1.2.8 The site is mainly located within the settlement boundary of Tillingham. There are parts of the gardens of the proposed properties along the eastern boundary which are outside the settlement, which runs in a north south direction. The settlement boundary line runs along the eastern elevation of the proposed dwelling at plot 13, then follows the line of the rear elevations of properties 14 to 17 and then staggers to the east, approximately 22m eastwards from the rear elevation of no. 14.

3.1.3 *Background of the application*

3.1.3.1 It is noted that an application (FUL/MAL/14/00378) to demolish most of the existing redundant buildings at Tillingham Hall Farm and erect 24 dwellings, with associated garages, parking, amenity and new vehicular and pedestrian access was withdrawn following officer's recommendation for refusal on the grounds that the development would not preserve or enhance the character of the conservation area. An amended proposal for the erection of 21 dwellings was thereafter submitted (FUL/MAL/15/00677). This application was refused on the basis of the urbanising effect, due to the fact that the site falls partially outside the development boundary and the lack of on-site affordable housing provision. The application was subsequently dismissed on appeal by reason of the inappropriate provision for affordable housing. However, the impact on the character

of the area was considered to be acceptable and no objection was raised on the grounds of the development relative to the settlement boundary.

- 3.1.3.2 Since the determination of the abovementioned applications and appeal the Council's Local Development Plan (LDP) has been approved and the National Planning Policy Framework (NPPF) has been revised. Therefore, the assessment below is based on the approved LDP and revised NPPF.

3.2 Conclusion

The proposed development is located largely within the settlement boundary for Tillingham, where residential development is generally considered acceptable. A small part of the site is outside the settlement where no built form is proposed to be located. A similar application for the erection of 21 houses (Application reference number: FUL/MAL/15/00677) was previously assessed by the Inspector and the principle of development was found to be acceptable. The sole reason for the dismissal of the appeal that followed the previous application related to the failure to provide affordable housing, which will be overcome, subject to the completion of a S106 agreement.

- 3.2.1 Although the Council can meet its housing needs, it is noted that the development would meet the identified need of the District for smaller residential accommodation (two bedroom accommodation) and this would weigh in favour of the proposed development. The layout and access of the development were assessed and found to be acceptable and would preserve the character of the conservation area. The development would not be harmful to the amenities of the neighbouring occupiers to an extent that would warrant refusal of the application. The development would make adequate provision for off-street parking and cycle parking and it would not adversely impact upon habitats and protected species. Subject to conditions for further ground investigations, the development is not expected to be unduly affected by contamination.
- 3.2.2 Therefore, subject to conditions and the provision of an appropriate affordable housing contribution, contributions towards education and to address the impact of the development on the Essex Coast, the development would be acceptable and in accordance with the aims of the development plans.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D3 Conservation and Heritage Assets
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for ‘Specialist’ Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (2017)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Essex Design Guide (1997)

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

The following developer contributions are sought:

- *On-site affordable housing contribution of 25% (6 units) in accordance with Policy H1.*
- *An Education Contribution of £43,903.44 (index linked from April 2019) to be paid to Essex County Council on or before the occupation date.*
- *A contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy).*

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.1.2 Policy S1 of the LDP 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:*

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 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;*
- 8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 9) Conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network;*
- 10) Conserve and enhance the historic environment by identifying the importance of local heritage, and providing protection to heritage assets in accordance with their significance;*

- 11) Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources;*
- 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”*

- 5.1.3 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside. The policy states that *“The Council will support sustainable developments within the defined settlement boundaries”*.
- 5.1.4 The current proposal follows from the dismissal of a previous appeal (Appeal reference: APP/X1545/W/16/3150788) on the grounds of the development making inappropriate provision for affordable housing. The issue of the impact of the development on the character and appearance of the area, given that the site lies within the Tillingham Conservation Area, was also assessed and found to be acceptable. It is noted though that the current application is for an additional three dwellings and thus, there is a material difference between the development, which is assessed below.
- 5.1.5 The majority of the application site and all the proposed built form lies within the settlement boundary for the village. Unlike the previously refused application, the current proposal includes all structures and buildings within the boundary settlement. Larger or smaller parts of the amenity areas of Nos 13 to 20 would fall outside the settlement; however, this is unlikely to severely impact on the open character of the edge of the village subject to the control of permitted development. Therefore, the proposal would comply with the requirements of LDP policies S1, S2 and S8. Furthermore, a more ‘harmful’ relationship was considered acceptable at the time of the last application by the Planning Inspectors.
- 5.1.6 The site is not a “brownfield” site as it is occupied by agricultural buildings. Tillingham is classed as a “Smaller Village” in the LDP policy S8 and has a limited range of support facilities including a village shop, primary school, two public houses and a medical centre. A bus service is located within approximately 150 metres of the site. Although it is inevitable that occupiers of the houses are likely to use private vehicles for everyday purposes such as employment, it is considered that the site is located in a sustainable location, although not to a high degree such as other larger settlements in the district. It should also be noted that the NPPF, paragraph 103, recognises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.
- 5.1.7 The principle of development was previously assessed and considered to be acceptable. Although since the determination of the previously submitted application and appeal (as referred to in ‘Background’ section above) the LDP has been approved and all policies of

the Maldon District Replacement Local Plan 2005 (RLP) have been superseded by the policies of the LDP, it is not considered that the thrust of the LDP policies has been materially changed in relation to the determination of the current proposal. The same applies for the revised NPPF which largely follows the aims of the 2012 framework.

- 5.1.8 On the basis of the above, it is considered that the use of the site for residential purposes in this location would be acceptable in principle. Other material planning consideration, in relation to the design and impact of the development on the conservation area, the impact on the neighbouring occupiers, the highways issues, impact on biodiversity and ecology and developer contributions are assessed below.

5.2 Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *‘To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for’*. Paragraph 61 continues stating that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*.
- 5.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (6.34) worth of housing against the Council’s identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The development proposes to provide the following mix:
- 17 two-bedroom dwellings

- 5 three-bedroom dwellings
- 2 four-bedroom dwellings

5.2.6 On the basis of the above, when assessed in its totality, the development would provide 70.8% of smaller (two bedroom) dwellings. The provision of affordable units would be 100% smaller units. It is therefore considered that the development would significantly contribute towards the Council's housing needs. Furthermore, the provision of two bungalows would weigh in favour of the proposal. Therefore, the development would support the provision of mixed and balanced communities as required by the NPPF.

5.3 Affordable housing provision

5.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm 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. The site falls within the sub-area of Rural South East Lower and therefore, the requirement towards affordable housing has been set at 25% of the total amount of housing provided.

5.3.2 The development proposes to provide 6 two-bedroom (three and four persons) affordable units on-site, which will be of the following tenure:

- 33.3% intermediate (2 units)
- 66.6% social rent (4 units)

5.3.3 The proposal is supported by a document detailing the Draft Heads of Terms including a section in relation to the affordable housing provision, proposing a policy compliant 25% provision towards affordable housing.

5.3.4 In light of the above, it is considered that the proposed development, subject to the completion of a S106 securing the provision of affordable housing in accordance with the requirements of policy H1, would be acceptable and it would support mixed and balanced communities in accordance with the aims of the NPPF.

5.4 Design and Impact on the Character of the Conservation Area and the Nearby Listed Buildings

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

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

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

5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

5.4.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) The location and the setting of the site;*
- 2) The existing character and density of the surrounding area;*
- 3) Accessibility to local services and facilities;*
- 4) The capacity of local infrastructure;*
- 5) Parking standards;*
- 6) Proximity to public transport; and*
- 7) The impacts upon the amenities of neighbouring properties.”*

5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.4.6 The site is located within the Tillingham Conservation Area and in accordance with policy D3, all development proposals would be required to preserve and enhance the special character, appearance and setting of the area, including its streetscene and landscape value. There are also three buildings opposite the proposal site, which are Grade II listed and display the special qualities of vernacular architecture which are also characteristic of the Tillingham Conservation Area.

- 5.4.7 The Conservation Area centres on the parish church of St. Nicholas (Grade II* listed) and The Square, stretching along the linear pattern of North Street and South Street. The village was mainly developed in the Georgian period. In terms of finishing materials, most of the oldest houses in Tillingham are timber-framed and weather-boarded. There are several Victorian brick terraced and semi-detached houses in South Street, with rendered houses being fewer than brick and weather boarded dwellings. All one-and-a-half storey cottages in the conservation area have tiled roofs, except for two which are thatched. The majority of the houses in the village have flat-fronted elevations with symmetrical sash windows.
- 5.4.8 The application site is a redundant farmyard, dominated by large 20th century buildings, with the exception of the stables, which appear to be dated from the mid-19th century and comprise a single storey timber framed structure. The current proposal involves the demolition of the majority of the buildings within Tillingham Hall Farm, with the exception of the single storey stables at the entrance of the building and the erection of 24 dwellinghouses, with associated off-street parking, amenity areas and landscaping.
- 5.4.9 An application for the erection of 24 dwellings was previously withdrawn, just before its presentation to Members of the Committee, with an officer recommendation for refusal. One of the reasons for refusal suggested by officers was that the development was considered to be detrimental to the character and appearance of the Tillingham Conservation Area. An application proposing a lesser number of dwellings (21 in total) was thereafter submitted and refused by the Council; a subsequent appeal was dismissed. However, not on the basis of the impact of the development on the character and appearance of the area.
- 5.4.10 The current proposal which proposes the erection of 24 dwellings is more representative of the layout of the development for the 21 dwellings that was considered to be acceptable in terms of its impact on the character of the area. In fact, the amount of development proposed appears to be less than that for the 21 dwellings, with the footprint of the dwelling not being greater than that of the existing buildings, with larger gaps being maintained in-between the dwellings and no built form being proposed beyond the settlement boundary. This has been facilitated by the provision of a higher percentage of smaller dwellings than previously proposed. It appears that the concerns raised at pre-application stage, when a development of 25 dwellings was discussed, were taken into consideration for the revision of the current application, given that the number of the units has been reduced, the footprint of the developed areas has been kept to a very low level and no buildings are proposed beyond the boundary line of the settlement.
- 5.4.11 In terms of the access to the site, no material changes have been made in comparison to the one previously assessed on appeal. The Inspector acknowledged the fact that the proposed vehicular access would involve widening the existing Tillingham Hall access and result in the removal of some trees and vegetation. However, taking into account that the majority of the trees within the site would be retained, it was considered that the removal of a relatively small proportion of trees was not so detrimental for the appeal to be dismissed on those grounds. Thus, on the basis of the above, and given that the

proposed access to the site is retained largely unaltered from what the Inspector assessed and considered acceptable, no objection is raised to the loss of a small number of trees compared to the number that is going to be retained. The proposed pedestrian/cycle access would perhaps result in an improvement of the existing hard surfaced access and thus, no objection is raised in that respect.

- 5.4.12 A strip of woodland including a number of mature trees is sited along and adjacent to the east of the application site, which is considered to be sufficient to screen the development from the open countryside. Therefore, even though domestic gardens with their associated paraphernalia would be outside the development boundary, they would not be significantly visible from the open countryside beyond the woodland area, which is also not proposed to be affected by the development.
- 5.4.13 The development, by reason of its location to the rear of the existing properties and dense vegetation along North Street is also well screened from the views from the village and the public highway. Therefore, it would not materially impact on public views from the conservation area.
- 5.4.14 In terms of the proposed layout, it is considered that the development would not be dissimilar to the proposal previously assessed on appeal for the 21 houses. All dwellings would be orientated to look onto the proposed estate road following from the main rhythm of development along the village. The visual experience when entering the site would be varying due to the different built forms proposed (single storey and two storey buildings), the proposed landscaping and the retention of glimpses of the woodland to the east and due to the reduction of the proposed garages from the previously determined application.
- 5.4.15 It is evident from the submitted site plan and indicative streetscene elevation that a number of different types of dwellings are proposed, including two storey houses, bungalows and dwellings with accommodation in the roof. Although of varying built forms and architectural designs, the proposed dwellings appear to maintain a level of cohesiveness in terms of massing and visual cues. There is a clear continuity in the eaves line and fenestration position. Furthermore, it appears that the good principles of design in terms of maintaining hierarchy between the ground and first floor windows have been considered. Whilst it could be argued that there is proliferation of dormers to the properties provided with roof accommodation, it is noted that similar style dwellings were previously considered acceptable by the Inspector and there are also similar examples of dormers with cut-slide roofs within the village. In particular, within the Inspector's decision it is stated that "*The appeal proposal would include a varied mix of dwellings constructed from materials which would match those commonly found in the village.*" Initial concerns have been raised by the Conservation Officer in relation to these properties and in particular the proposed gambrel roof, which due to the depth of the houses create squat and ungainly gable ends. Given the outline nature of the current application and the fact that scale and appearance are matters to be assessed at a future submission, no objection would be reasonable to be raised in that respect at this stage,

considering that alterations to improve the design of the proposed houses could be incorporated at a future submission.

- 5.4.16 In terms of finishing materials, a level of consistency throughout the site is maintained which is also linked to and takes account of the appearance of the properties in the conservation area.
- 5.4.17 Although it is acknowledged that the appearance and scale would be fully assessed at reserved matters stage, it is noted that chimneys are a prevailing characteristic of the conservation area and it is positive that they have been incorporated in the indicatively proposed dwellings. Similarly, deployment of symmetrical sash windows would be beneficial to the scheme, given that they better reflect the character of the conservation area. These elements are considered necessary to be maintained through to the final design of the dwellings that would be presented at reserved matters stage as they preserve the character and appearance of the conservation area. An informative regarding this can be included on any grant of planning permission.
- 5.4.18 It is positive that the existing single storey stables at the entrance of the site are proposed to be retained and converted to bungalows. Furthermore, although more dwellings are proposed there are more gaps between the houses and fewer of the houses and garages are conjoined. This better reflects the character and grain of the village. Moreover, although matters of appearance and scale are reserved for a future submission, it is considered positive that simple forms of design that reflect the character of the conservation area have been used in the proposed houses.
- 5.4.19 In light of the above, it is considered that the proposed access and layout of the development is acceptable, and it does not detract from the built pattern and character of the conservation area. The indicative streetscene elevations demonstrate that an acceptable design and scale can be achieved and that subject to minor amendments of the scale and design, can preserve the character of the conservation area. The Council's Conservation Officer has been consulted and advised that the development would cause 'less than substantial harm' to the significance of the heritage assets. Weighing this harm against the benefits of the scheme, it is considered that the harm would be outweighed.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.5.2 The proposed development would replace a farmyard which is presently largely unused. If the yard was to be brought back into full agricultural use with machinery operating at hours not presently subject to control and large vehicles and agricultural plant being moved to and from the site there would be potential for disturbance to be caused to local

residents. By comparison a modest sized residential development is likely to cause much less disturbance and given its nature, it would be compatible with the residential uses in the surrounding area.

- 5.5.3 The rear walls of properties fronting North Street are some 40 metres from the rears of plots 1-7 (plots 1 and 2 are single storey). The dwelling at No 36a is in a backland location and is located 9 metres from the shared boundary. The nearest dwelling of the proposed development (No.8) would be located approximately 6.8m away from the shared boundary with No. 36a. This relationship of the two units is much less harmful from that previously considered acceptable, when the development of 21 dwellings on site was assessed, where a large garage was sited up to the shared boundary. Should the proposed house at No. 8 have a hipped roof, as shown on the indicative streetscene elevation, it would further reduce the impact of the proposed development on the amenities of the occupants of No. 36a. An overall 15.8m separation distance between the two properties is considered sufficient to maintain a level of amenity of the occupiers of the neighbouring dwelling to a level that would not justify refusal of the application on those grounds. A minimum 11.2m separation distance would be maintained between the dwellings 8 - 13 and their rear boundaries. Considering that the property at No. 40 is sited an additional 12.8m away from the northern boundary of the site, it is considered that the development would not have an adverse impact on the amenities of the neighbouring occupiers. As such, it is considered that the development would not have a detrimental impact on the amenities of the adjacent occupiers to the west and north, by way of being overbearing, resulting in loss of light or privacy. Nevertheless, it is noted that the full impact of the development would be assessed at the time of a reserved matters application.
- 5.5.4 The cart lodge within the grounds of Tillingham Hall (No. 6) has all the habitable accommodation at first floor level and is located close to the southern boundary of the site. This property currently overlooks the yard access which will be changed to pedestrian/cycle use only and the stables which are to be retained and converted. Thus, there will be no overlooking this property. It is also not considered that there would be material overlooking from No. 6 towards the application site and in particular no. 1 to a degree that would warrant refusal of the application on these grounds. No. 5 Tillingham Hall is a single storey structure located 5 metres from the boundary, however, due to the southern boundary fencing, around 19m away from the nearest dwellings (Nos 22-24) there is unlikely to be overlooking from the new development.
- 5.5.5 The proposed access road, which is similar to the access previously proposed, will be created by widening the existing access that serves the Tillingham Hall units as well as Coppins and Chantilly, a total of 9 units. This means that all vehicular traffic from the proposed development will pass the Tillingham Hall properties. However, this will be a private drive and traffic speeds will be low. No objection was previously raised by Environmental Health on this aspect when the earlier application was being considered. The additional traffic generated by the increased number of dwellings proposed (3 dwellings more than the previous proposal) is not considered to result in a detrimental

impact on the neighbouring occupiers to an extent that would justify the refusal of the application.

- 5.5.6 In terms of the interrelationship of the proposed dwellings, although this would be a matter to be assessed at a later stage when full details of the appearance and scale of the dwellings would be submitted, it is considered that due to their orientation and position, the proposed dwellings would not result in a materially harmful impact on the amenities of the future occupiers of the site. The only property that might be affected more than the others within the application site is No. 18, given that the dwelling at plot 19 would be around 7.2 metres beyond its rear elevation. However, given that a garage has been shown attached to the south elevation of the dwelling at No. 18, the gap between the two properties would be sufficient to mitigate against any unacceptable overbearing or overshadowing impact on habitable rooms.
- 5.5.7 Overall the development is not considered to have a harmful impact on the amenity of the neighbouring occupiers and the interrelationship of the proposed dwellings would be acceptable. Nonetheless, the impact on residential amenity would be a matter that would be fully assessed at reserved matters stage.

5.6 Access, Parking and Highway Safety

Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.6.1 Access

- 5.6.1.1 Access to the site would be gained by widening to 6 metres the existing established access into Tillingham Hall. This vehicle access appears to be the same as that previously submitted for a similar development (FUL/MA/15/00677). The access would be modified to a 'T' junction connected to a Type E minor access road comprising a 6m wide carriageway with 2 x 2m footways. This arrangement would allow vehicles to enter and leave the site safely in forward gear.
- 5.6.1.2 In terms of visibility splays, the transport statement advises that 2.4m x 47m and 2.4m x 72m visibility splays are achievable from the site access looking left (south) and right (north) respectively, subject to cutting back vegetation.
- 5.6.1.3 Pedestrian access would be mainly gained off of North Street, which is currently one of the vehicle accesses of the site. No objection is raised to the formation of the proposed pedestrian access.

5.6.1.4 The Highway Authority has been consulted and subject to conditions raised no objection in terms of highway safety, efficiency and accessibility of the site. The proposed access to the site is therefore considered acceptable.

5.6.2 *Trip generation*

5.6.2.1 To assess the impact of the development in terms of trip generation, the proposed residential development has been forecasted using person trips derived from the TRICS database. The data submitted shows that the development would generate a maximum of 20 two-way (5 in and 15 out at am peak hours and 12 in and 7 out at pm peak hours) vehicle trips during weekdays at am and pm peak hours.

5.6.2.2 Given that a forecast of the current agricultural use of the site is unable to be forecasted the net increase of trip generation was not able to be identified.

5.6.2.3 The Highway Authority has been consulted and raised no objection in relation to the impact of the increased trips on the capacity of the local highway network, the free flow of traffic or safety of the road. On that basis, the development is acceptable in terms of traffic generation.

5.6.3 *Parking provision*

5.6.3.1 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.6.3.2 To meet the vehicle parking standards the development would need to comply with the following residential standards:

- Two and three bedroom dwelling: 2 off-street parking spaces
- Four+ bedroom dwelling: 3 off-street parking spaces
- Housing development for more than 10 dwellings should be served by 1 visitor parking per 4 dwellings.

5.6.3.3 The proposed development would be served by a minimum of 2 parking spaces for each dwelling. Two four-bedroom properties are proposed to be erected (Nos 19 and 20). Although two off-street parking spaces have been shown on the submitted plan for the four-bedroom properties, it is noted that an additional off-street parking space could be accommodated in a tandem arrangement in front of the proposed parking spaces. Therefore, a total of three off-street parking spaces can be provided for the proposed four-bedroom dwellings. An additional six visitor parking spaces are proposed throughout the site and therefore, in terms of off-street parking provision the development would be compliant with the standards as set out in the Vehicle parking Standards SPD.

5.6.3.4 The Council's Vehicle Parking Standards seek to ensure that electric vehicle charging points are installed to encourage the use of alternative to conventional vehicles. For residential development with off-street parking at least 1 home charging point is required and 1 fast charging point for every 20 parking bays for residential development with communal parking. This will be secured by condition.

5.6.3.5 In terms of cycle parking it is noted that for those houses with garages no separate cycle store would be required; however, the details of secure and covered cycle parking would be secured by conditions.

5.7 Private Amenity Space and Landscaping

5.7.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that for dwellings that have 2 bedrooms, 50sqm of amenity space should be provided, while for dwellings with 3 or more bedrooms, 100sqm should be required. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

5.7.2 As noted at the 'Proposal' section, adequate amenity space would be provided for each dwelling, which would meet the requirements of the MDDG. Thus, in that respect the development is deemed acceptable and not harmful to the living environment of the future occupiers.

5.7.3 The submitted site plan shows that sufficient landscaping would be incorporated to the proposed development mainly along the frontages of the dwellings and a turning circle would create a small vegetated focal point. Therefore, no objection is raised in terms of landscaping provision to soften the appearance of the development, but this is a matter that would be further assessed at reserve matters stage, when details of landscaping would be submitted.

5.8 Floor Risk Assessment and Sustainable Urban Drainage Strategy

- 5.8.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.8.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency.
- 5.8.3 The site is located within flood zone 1 thus, not in an area at risk of tidal, fluvial, pluvial or groundwater flooding. However, the application is accompanied by a Flood Risk Assessment which includes details of how surface water would be managed. The Lead Local Flood Authority was consulted and initially raised an objection regarding the way that the water was proposed to be treated before being directed to the ditch, the half drain time of the water storage and the way that the long-term storage was calculated.
- 5.8.4 To address the abovementioned concerns, amended information has been submitted by the applicant. In particular it is stated that to ensure that all the surface water run-off is treated prior to entering the watercourse, a Downstream Defender has been introduced into the strategy for this purpose. In relation to half drain time, details have been submitted demonstrating that at a critical rainfall event the half drain time would be a total of circa 241 minutes; thus, achieving the half drain requirement of less than 24 hours. Regarding long term storage, details have been submitted showing that the volume provided within the drainage system would be sufficient to provide long term storage for the scheme.
- 5.8.5 Following re-consultation of the Lead Local Flood Authority on the basis of the additional information and subject to appropriate conditions, an objection is no longer raised. Therefore, no objection is raised in relation to the impact of the impact of the proposed development in terms of surface water strategy.

5.9 Impact on the ecology, trees and biodiversity

- 5.9.1 The application site does not fall within or in close proximity to nature conservation sites, but a woodland site extends along the eastern boundary of the site. However, policy N2 of the LDP states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance." Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.9.2 On the basis of the abovementioned policy requirement, an Extended Phase 1 Habitat Survey. The survey was carried out in March 2018 and no habitats of principal importance were found on site; however, further surveys with regards to bats, amphibians, reptiles and barn owls have been recommended, to fully understand the

ecological value of the site. This matter is considered reasonable to be secured by condition.

- 5.9.3 Great Crested Newt surveys were also carried out between 14th and 25th May 2018 and a small population of great crested newts (GCN) was confirmed in a pond 80m south of Tillingham Hall farm and due to the suitable terrestrial habitat within the site and connecting the site to the pond, the report advises that it is a likely site to support great crested newts during their terrestrial phase. To avoid any risk of impacting on the GCN during construction recommendations have been included in the submitted report, including the required submission of a European Protected Species Mitigation (EPSM) licence application to Natural England, a site specific Method Statement, removal of habitats in a two stage cut process or manual handling removal or detritus piles under supervision and finally mitigation of habitats after development. To maintain and improve the ecological value of the scheme a condition to secure the abovementioned recommendations would be imposed.
- 5.9.4 Due to the existing redundant buildings on site, the application is also supported by a bat survey report. The bat survey was carried out between June and September 2018 and the report submitted provides further specifications for mitigation and/or European Protected Species licensing requirements. A total of two bat roosts were identified on the Tillingham Hall Farm site within two different onsite buildings. The site itself provides good foraging and commuting habitat for bats. On the basis of the findings it is considered that an application to Natural England for a EPSM Licence is required. Part of the EPSM licence application will require a mitigation strategy to ensure that bats are sufficiently protected, and their conservation status is not impacted. Subject to a condition securing the above recommendation and other enhancement recommendations, no objection is considered reasonable to be raised in relation to the impact of the development on bats.
- 5.9.5 The application is also supported by an Arboricultural Impact Assessment. An arboricultural survey was carried out and the report prepared contains preliminary information on protecting trees during the development and methods of work close to trees. The submitted survey advises that most of the trees to be removed as a result of the development are small or internal to the site. It is stated that the largest tree to be removed at the entrance of the site is already compromised due to decay (category R) and is recommended for removal irrespective of the development. All construction works have been designed to be outside root protection areas of trees to be retained. It is noted though that a detailed arboricultural method statement would be required to be submitted to ensure the development is achieved without compromising retained trees.
- 5.9.6 The Tree Consultant has been consulted and raises no objection in relation to the impact of the proposed development on the existing trees. Within his comments it is advised that *“The only good quality trees identified as being removed are T20, T22 & T23 (Black Poplars) and T57 (Yew). T57 is obscured from public view due to the dense vegetation to the front so its loss wouldn’t impact on the wider public amenity”*. It is also stated that although the T10-T14 are proposed to be retained, due to their proximity to the proposed

buildings, it is considered that there would be a need for them to be constantly pruned. The Tree Consultant advises that there is no objection to their removal, subject to a line of trees of noticeable size to replicate them being planted adjacent to the western boundary. Although the latter comments are noted, it is considered that at present, given that the applicant's intention is to preserve the existing trees (T10 – T14), no objection would be raised, as they currently positively contribute to the visual amenity of the area. Overall no objection is raised from the Tree Consultant in relation to the works proposed to trees. As such, it is considered that subject to specifying the necessary precautions to protect the retained trees, the implementation of the measures included in the arboricultural report and the submission and approval of a method statement, the development proposal will have no significant impact on the trees or their wider contribution to amenity and character.

- 5.9.7 A Landscape and Visual Appraisal has been carried out which assesses the impact of the development on the landscape setting of the village and concludes that notwithstanding the sensitive location of the site, the development can be implemented without harming the character of the conservation area. With regard to visual amenity, it is noted that the site is visually enclosed by the grounds of Tillingham Hall to the south and a tree shelter belt to the east. This is outside the application site but is shown as being retained. This is important as land to the east is open farmland and views should be protected. Within the site street trees are to be provided throughout the scheme.

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

- 5.10.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. The European designated sites within MDC are as follows:- Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.10.2 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.10.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) -

Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.

- 5.10.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.10.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.10.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

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

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

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

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

Summary of Appropriate Assessment

- 5.10.7 It should be noted that the Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under consultation and it constitutes an emerging document of the Council. Therefore, appropriate weight should be afforded to it for the calculation of the contribution towards RAMS. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution would be calculated using this figure. This could be included within the S106 at this time.

- 5.10.8 As a competent authority, the Local Planning Authority, on the basis of the information submitted and subject to a contribution being provided by the applicant towards RAMS, concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites that would justify refusal of the application on those grounds.

Conclusion

- 5.10.9 For the reasons stated above and subject to a contribution which would be calculated by the LPA and agreed through the S106, it is considered that the likely impact of the development would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.11 Other Material Considerations

Contamination

- 5.11.1 A Phase 1 Geo-environmental Assessment report has been submitted with the application. This identifies that there is potential for isolated areas of low level contamination to be present associated with fuel spillage and the storage of agricultural chemicals. The Environmental Health Service has been consulted and raised no objection in terms of contamination, subject to appropriate conditions.

Archaeology

- 5.11.2 The consultation response from the Historic Environment Officer advises that the proposed development site is sited in the core of the historic settlement of Tillingham. The Historic Environment Record shows that the proposed development is located on the farmyard area of the Tillingham Hall manorial complex. Furthermore, building records showed that the timber-framed Stables were built between 1838 and 1876. The Historic Environment Officer advises that there is potential for archaeological remains associated with the medieval farmyard and possibly that of the Saxon farmyard use to be present. Conditions are therefore suggested in order to carry out an archaeological assessment prior to the commencement of the development. Subject to the imposition of the suggested condition, the development would not be objected to in respect of archaeological matters.

Foul drainage

- 5.11.3 No details in relation to foul drainage have been submitted with the application. It is noted that further details of the full drainage system would be required to be submitted and approved in writing by the Local Planning Authority, in order to avoid the risk of water flooding and pollution.

Waste Management

- 5.11.4 With regard to waste management it is noted that each dwelling would be provided with refuse storage and collection arrangements. No further details have been provided in that respect; however, these are matters that are considered reasonable to be addressed at reserved matters stage or through the imposition of conditions at that stage.

Energy Efficiency

- 5.11.5 It is stated that the dwellings will be highly thermal efficient and meet the requirements of the building regulations. Furthermore, the dwellings will use a range of energy saving measures to both the dwellings fabric, along with water saving measures. Whilst this is a positive element of the development, consideration should be had to the impact of these measures on the external appearance of the dwellings, as they are located within a conservation area. Further details of the impact of any energy saving measures on the appearance of the development should be submitted with a reserve matters application.

Open space

- 5.11.6 Although the proposed development would not provide a designated play area or open space, it is noted that it is located in very close proximity to green open space and the recreational ground of Tillingham. Therefore, given that the development would not make provision for on site public open space, given the proximity of the site public open spaces and also the provision of large sized private amenity area, it is not considered that the lack of open space would weigh against the proposed development. Furthermore, it is noted that no such objection was previously raised when a similar application for 21 dwellings was assessed by the Council and the Inspector. Therefore, it would be unreasonable to raise an objection in that respect now.

Other obligations

- 5.11.7 Along with other key principles, policy S1(11) requires decision makers to “*Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources*”.
- 5.11.8 The developer contribution in relation to affordable housing is discussed above in the relevant section of the report. A response from Essex County Council Education Department has been received advising that a contribution of £43,903.44 index linked to April 2019 to provide additional places within the Tillingham Ward has been requested. Furthermore, the development would be required to provide mitigation of the impact of the development on the Essex Coast as assessed above in the relevant section of the report.

5.11.9 The abovementioned developer contributions and obligations shall be secured through a S106 agreement. Should Members' approve this application, this shall only be subject to a S106 agreement, which shall first be discussed and finalised with officers.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/94/00022** - Erection of 3 detached houses. Refused: 07/04/94.
- **FUL/MAL/01/00816** - Erection of 2 dwellings with integral garages. Refused 15/03/02.
- **FUL/MAL/02/00772** - Erection of 2 cottage style dwellings. Refused: 02/10/02.
- **FUL/MAL/06/00989** - Sale of organic food products from existing farm shop not produced on farm. Approved: 19/10/06.
- **FUL/MAL/14/00378** - Erection of 24 residential dwellings. Withdrawn: 11/08/14.
- **FUL/MAL/15/00677** - Demolition of redundant agricultural buildings and the erection of 21no. dwellings comprising 4no. detached, 8no. semi-detached and 9no. terraced properties (including 2 semi-detached bungalows) with associated garages, parking areas, gardens, new vehicular and pedestrian access from North Street and associated external works and landscaping. Planning permission dismissed on appeal due to the lack of affordable housing provision.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	There were no material planning reasons for objecting to this application. Tillingham Village Council supports this application.	Comments noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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Lead Local Flood Authority	Following the submission of additional information as discussed in the relevant section above, an objection is no longer raised by the LLFA, subject to the imposition of appropriate conditions.	Noted and discussed in section 5.8 of the report.
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission	Comment noted and addressed at section 5.10 of the report.
Environment Agency	No comments specific to the development have been received.	Noted.
Essex and Suffolk	No objection, subject to compliance with the organisation's requirements.	Noted.
Essex County Fire and Rescue Service	No objection was raised.	Noted.
Historic England	No comments specific to the development have been received.	Noted.

Archaeology	<p>The proposed development site is sited in the core of the historic settlement of Tillingham. The Historic Environment Record shows that the proposed development is located on the farmyard area of the Tillingham Hall manorial complex. Furthermore, building recording showed that the timber-framed Stables was built between 1838 and 1876. The Historic Environment Officer advises that there is potential of archaeological remains associated with the medieval farmyard and possibly that of the Saxon farmyard use. Therefore, conditions are suggested in order to protect any potential archaeological assets</p>	Comments noted and discussed in section 6.11 of the report.
Anglia Water	<p>The site is located in close proximity to Anglia Water assets. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.</p> <p>No objection is raised, subject to a surface water condition.</p>	Noted and a condition is imposed.

Highway Authority	<p>The documents submitted with the application have been duly considered and the Highway Authority is satisfied that the impact of the proposals would not be detrimental to highway safety and efficiency.</p> <p>Therefore, from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject conditions.</p>	Comment noted that conditions are imposed.
ECC Education	A contribution towards additional school places in Tillingham has been requested.	Comments noted, and a contribution is included in the Heads of Terms.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Team	Following discussions with the applicant, it has been confirmed that the affordable housing contribution will be provided on-site, therefore Strategic Housing Services fully support this application.	Comments noted.
Environmental Health Team	No objection, subject to condition.	Noted and conditions are imposed.
Economic Development Team	The agricultural buildings could potentially be used for employment purposes.	Although the buildings within the site could have been use in support of agricultural diversification, it is noted that the Council is responsible in assessing the applications that is front of them and not speculative proposals. As discussed in section 5.1 the

Name of Internal Consultee	Comment	Officer Response
		site is not an employment site and therefore, any alternative to agricultural use would require the submission of an application. The proposed development has been assessed against all relevant planning policies and local and national guidance and found to be acceptable.
Emergency Planner	The development does not lie within a flood zone and therefore, no objection has been raised.	Noted.
Conservation Officer	The proposal will cause “less than substantial harm” to the significance of the heritage asset. This harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. The degree of harm in this instance is minor, and is seemingly outweighed by the public benefits. Thus, no objection is raised, subject to the imposition of appropriate conditions.	Noted and discussed in section 5.4 of the report.
Tree Consultant	No objection has been raised by the tree officer in relation to the impact of the development on the existing trees. A landscaping condition and a tree protection method statement to include suitable supervision visits have been requested to be imposed.	Comments noted and discussed in section 5.4 of the report and conditions are imposed.

7.4 Representations received from Interested Parties

- 7.4.1 **14** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The site is not located in a sustainable location in terms of employment.	Addressed in section 5.1.
Impact on highway and transport infrastructure.	It is noted that no objection in terms of the highway infrastructure has been raised the Highway Authority.
Detrimental impact on tourism due to the loss of the attractiveness of the village and low-density development around its edges.	The development would not result in loss of existing countryside. Its impact on the character of the conservation area is assed in section 5.4 of the report. With regard to impact on the tourism, it is considered unrealistic to suggest that a farmyard, which is the current use of the site, can attract tourism. Therefore, it is not considered that the proposal, which proposes to retain the woodland along the eastern boundary as well as a low density development would not result in a detrimental impact on the tourism of the village.
The addition of a development would negatively impact the village character.	Addressed in section 5.4.
Negative impact on the wellbeing of existing residents.	Addressed in section 5.5.
The proposed extension of the site outside the development boundary would destruct the value of woodland area.	The site is mainly located within the village settlement. The trees along the eastern boundary of the site are proposed to be retained.
The development is incompatible with the Maldon Development Plan in terms of long terms housing provision.	Addressed in sections 5.1, 5.2 and 5.3.
Noise nuisance due to higher traffic levels.	Addressed in section 5.5.
Tillingham and Southminster already have a plentiful supply of affordable housing.	Addressed in section 5.3.

Objection Comment	Officer Response
This development together with other extant planning consents will add another 5%+ growth to housing stock. Consideration of the cumulative development impact needs to be considered if the rural character of the settlement is not to be threatened. The village housing stock is rising beyond that needed to meet local needs.	Although the Council can meet its five year housing supply need, this shall not be used as sealing in housing provision. The impact of the development on the area is assessed in detail within the main body of the officer report.
The proposed development does not preserve the character of the conservation area.	Addressed in section 5.4. the Conservation Officer has been consulted and raised no objection to the proposed development and its impact on the character of the conservation area.
Policy E4 of the LDP recognises the opportunities provided through agricultural and rural diversification. Allowing the loss of this site to housing development will remove a key opportunity for local employment within the village.	It is noted that the Council's responsibility is assess developments as submitted against the Council's policies. The support of rural diversification through policy E4 if such application is made to the Council, does not preclude the support of a different development that constitutes sustainable development and accords with the Council's Development Plan.
Although it is recognised that the proposed built areas fall largely within the boundary, permitting encroachment into the surrounding countryside would set an unacceptable precedent in the area.	Addressed in section 5.1.
The site does not benefit from good connectivity with public transportation.	Whilst it is recognized that the site has limited access to public transportation in comparison to other larger settlements, it is noted that paragraph 103 of the NPPF recognises that " <i>opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making</i> ".
Overdevelopment of the site and unsuitable development.	Noted and addressed in sections 5.1 and 5.4 of the report.
The development would result in unacceptable increased vehicular traffic.	Noted and addressed in section 5.6.
The buildings within the site are in use.	Noted.

Objection Comment	Officer Response
The access road is inappropriately located.	It is noted that the Highway Authority has been consulted and raised no objection in relation to the position of the proposed access.
Potential damage to the listed building.	The Conservation Officer has been consulted and considered that the development would not result in a substantial harm to the significant of the heritage assets.
Heavy construction traffic	This matter would be addressed by a condition securing the submission of details of a Construction Method Statement.
Pedestrian and highway safety.	Addressed in section 5.7.
Impact on the ecology assets.	Addressed in sections 5.9 and 5.10.
Impact on the value of a neighbouring property.	It is noted that this is not a material planning consideration.
The doctors surgery is full and cannot cope with any more patients. A letter from two General Practitioners of Tillingham Medical Centre and Maylandsea Medical Centre has been submitted. The letter expresses the situation and pressure to the NHS practices.	Comments noted. However, the NHS website advises that the Tillingham Medical Center accepts new patients.
Primary schools in the village are at capacity.	The County Council Education has been consulted and subject to an education contribution raises to address the additional places matter raises no objection.
The development would result in loss of rare trees.	Addressed in section 5.9.
Modern housing development would not be in keeping with the character of the conservation area.	Addressed in section 5.4.
Disruption of the wildlife.	Addressed in section 5.9.

7.4.2 **1** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The proposed development is sited within the settlement and the development would be hidden behind	Noted and addressed in sections 5.1 and 5.4 of the report.

Supporting Comment	Officer Response
existing vegetation.	
The development would provide on-site affordable housing.	Noted and addressed in section 5.3.
As the site is in the Conservation Area these proposed houses will have to be built sympathetically to those existing in the Conservation Area of Tillingham.	Addressed in section 5.4.
The traffic created by the proposed 24 houses to be negligible in comparison that potentially created if the site was to be used for agricultural purposes.	Noted.

8. **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT AND PROPOSED CONDITIONS**

Heads of Terms of any Section 106 Agreement:

- *To provide on-site affordable housing contribution of 25% (6 units) in accordance with Policy H1.*
- *To pay the Education Contribution of £43,903.44 index linked to April 2019 to the County Council on or before the occupation date.*
- *To pay a contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy).*

Conditions:

- 1 Details of the appearance, landscaping and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the LPA. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the MDLDP.
- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the

existing trees as stated in the Arboricultural Impact Assessment (dated 30.10.2018), which shall be submitted to and approved in writing by the LPA. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the LPA.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the LPA.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the LPA. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.

- 4 The development hereby permitted shall not be first occupied/provided with connection to utility services until such time as the vehicle parking area indicated on the approved plan no 2017-919-002 rev B, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).

- 5 No dwelling hereby approved shall exceed two storeys in height.

REASON To ensure that the development is as applied for and to protect the visual amenity of the conservation area in accordance with Policies D1 and D3 of the approved MDLDP and the guidance contained in the MDDG SPD.

- 6 The dwelling mix for the development hereby approved shall accord with the following stated housing mix:

- 17 two-bedroom dwellings (of which 2, two-bedroom bungalows)
- 5 three-bedroom dwellings
- 2 four-bedroom dwellings

REASON In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved MDLDP and the guidance contained in the NPPF.

- 7 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:

- i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
- ii) A survey of the extent, scale and nature of contamination;
- iii) An assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works.

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the LPA.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved MD LPD.

- 8 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the LPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the LPA. The LPA may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the

agreed remediation scheme. The LPA must be given two weeks written notification of commencement of the remediation scheme works. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved MDLDP.

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the LPA for approval.

The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- ii) All imported material is suitable for its intended use.
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 10 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 11 No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP and the guidance contained in the NPPF.

- 12 No building shall be occupied until details of a foul drainage scheme to serve the development have been submitted to and agreed in writing by the LPA. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted LDP.

- 14 The proposed main vehicle access shall be provided as shown in Drawing L641-001 (Proposed Access Arrangements) to include site visibility splays of 2.4m x 72 metres to the north and 2.4m x 47 metres to the south as measured from and along the nearside edge of the kerb.

REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the MDLDP and the guidance contained in the MDDG SPD.

- 15 Any redundant site accesses shall be permanently closed incorporating the reinstatement to full height of the kerbing immediately the proposed access is brought into first beneficial use.

REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in

- accordance with policies D1 and T2 of the MDLDP and the guidance contained in the MDDG SPD.
- 16 No dwelling hereby approved shall be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.
REASON To ensure that cycle parking is provided in accordance with the requirement as set out in the Maldon District Vehicle Parking Standards SPD and in the interest of the character and appearance of the area in accordance with policy D1 of the approved MDLDP and guidance contained within the NPPF.
- 17 Prior to first occupation of the residential aspect of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. These packs are to be provided by the Developer to each dwelling free of charge.
REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved LDP and the guidance contained in the NPPF.
- 18 Prior to the occupation of the development an Arboricultural Method Statement and Arboricultural Supervision Schedule shall be submitted to and approved in writing by the LPA. No other trees shall be removed or fell unless otherwise agreed in writing by the LPA.
REASON To protect the visual amenity of the site in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.
- 19 No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the LPA. No development shall take place other than in accordance with the Written Scheme of Investigation.
REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the MDLDP.
- 20 Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the MDLDP and the provision and guidance as contained within the MDDG.
- 21 A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the LPA for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
REASON To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the MDLDP.
- 22 An external fast charging point shall be provided adjacent to at least 1 parking space for each dwelling hereby approved.

REASON To ensure that appropriate infrastructure is provided for the new development in accordance with the requirements of the Vehicle Parking Standards (2018).

- 23 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the LPA. The ecological mitigation scheme shall follow the recommendations set out in the submitted Extended Phase 1 Habitat Survey (dated 27 March 2018), Bat Survey Report (dated 18 October 2018) and great Crested Newt Survey Report (dated 26 June 2018). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON To ensure appropriate protection to protected species is provided in accordance with the guidance of the NPPF and policy N2 of the MDLD.

- 24 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the LPA. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

REASON To improve and enhance biodiversity value of the site in accordance with policy N2 of the MDLDP.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.

It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.

- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.

- 5 You are advised that samples of the facing materials to be used, including glazing, would be beneficial to be submitted with your reserved matters application to allow full assessment of the proposal, given its location within the Tillingham Conservation Area. Detailed drawings of the windows and doors to be used in the development, including elevations at 1:20 and section details at 1:2, would be required to be submitted to fully assess the design of the proposed dwellings. Notwithstanding the approved drawings, all garage doors should be of painted timber and side-hung.
- 6 You are advised that the development submitted as part of a reserved matters application would need to match the indicative streetscene elevations submitted with the current outline application and also reflect the character of the conservation area.