



**REPORT of  
CHIEF EXECUTIVE**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
12 JUNE 2017**

<b>Application Number</b>	<b>OUT/MAL/17/00364</b>
<b>Location</b>	Rear of Strawberry Lane Tolleshunt Knights Essex
<b>Proposal</b>	Outline planning to erect up to 27 dwellings and form access road onto Brook Close
<b>Applicant</b>	Mr C Newenham - Wilkin & Sons Ltd
<b>Agent</b>	Mr Phillip McIntosh - Melville Dunbar Associates
<b>Target Decision Date</b>	10.07.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

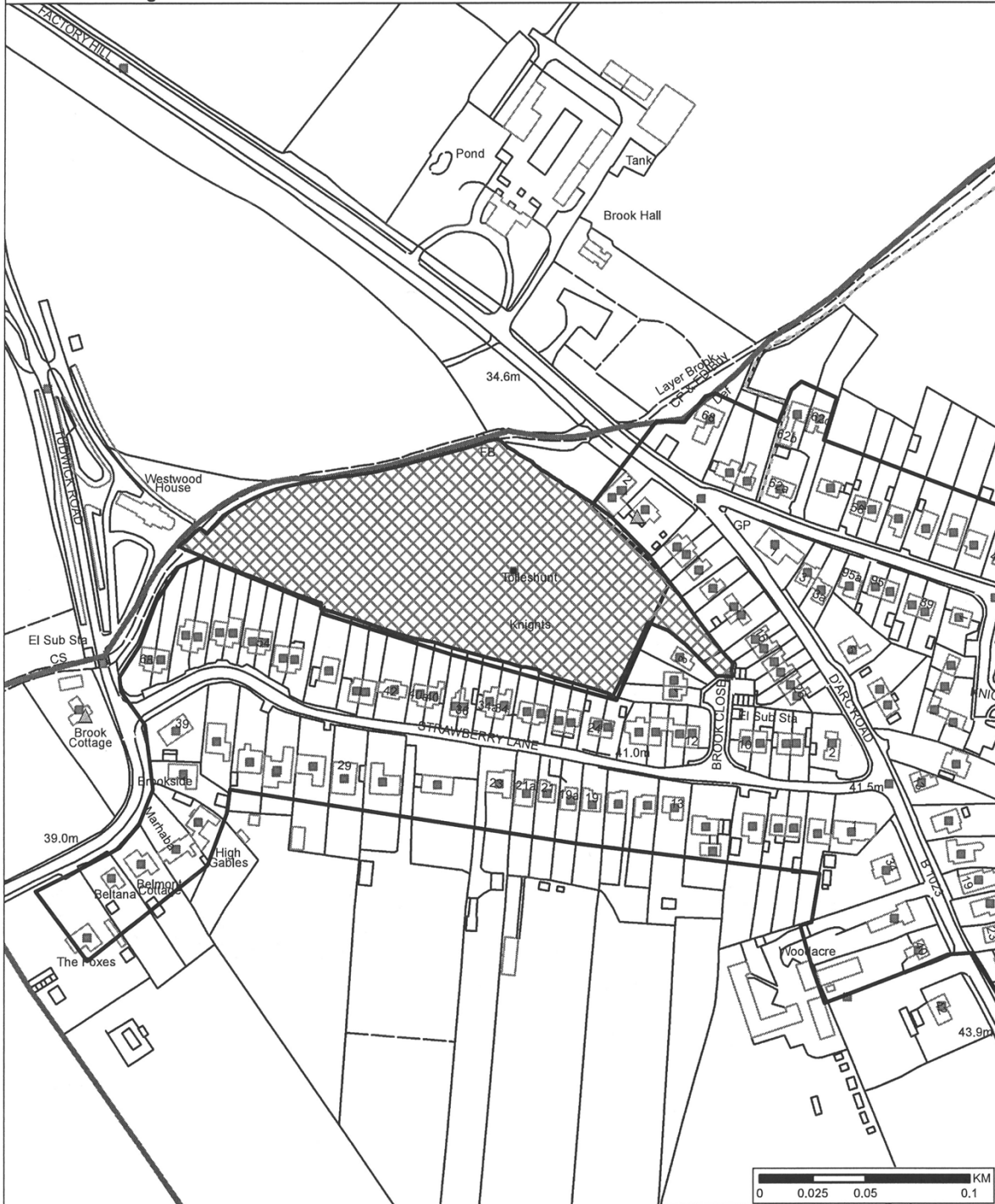
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Rear Of Strawberry Lane**  
**Tolleshunt Knights OUT/MAL/17/00364**



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	NW Committee
	Date:	01/06/2017
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application relates to an irregular shaped parcel of land of approximately 1.60 hectares located to the north of Brook Close. The land is bordered by residential properties to the Northeast and East (fronting onto D'Arcy Road) and to the South and Southwest where residential properties front onto Brook Close and Strawberry Lane. To the north of the site is a commercial garage which fronts onto Factory Hill. To the Northwest boundary of the site is a water course in the form of a stream, which runs in a Southwest to Northeast direction and is known as Layer Brook.
- 3.1.2 The gradient of the site slopes gently from Southeast to North direction. The boundary treatment of the site comprises timber boarded fencing, trellis fencing and some trees, hedges and shrubs.
- 3.1.3 Planning permission was granted in 2007 (planning reference: 07/00161/FUL) for the use of the land for keeping and exercising horses for recreational purposes.
- 3.1.4 Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.
- 3.1.5 Based on the Site Layout Plan submitted (1459-PS.002.C), the position of the proposed dwellings appears to back or flank onto existing dwellings along D'Arcy Road, Brook Close and Strawberry Lane. The vehicular and pedestrian access point would be via Brook Close and onto Strawberry Lane.

#### **3.2 Conclusion**

- 3.2.1 The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.2.2 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in Paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.
- 3.2.3 With regard to the environmental aspect of the National Planning Policy Framework (NPPF), it is considered that the impact of the development on the character and appearance of the application site and the locality, and with particular regard to its location and scale and its poor connectivity to its immediate surroundings, would be an unsustainable form of development. The development would fail to meet the three strands of sustainable development as contained in the NPPF when viewed as a whole as well as policies BE1, S2, H1, CC6, T2 of the adopted local plan; policies S1, S8, D1, H4, N2 and T2 of the Local Development Plan.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 18, 14, 14, 17, 39, 49, 50, 56, 57, 60, 64

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2, CON5, H1, H6, H9, CC5, CC6, BE1, T1, T2, T8

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

The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect of matters not examined at the first Examination and matters that arose from the Main Modifications Consultation in September 2016.

Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring/Summer 2017 and the Council aims to have the Plan adopted in early Autumn 2017.

There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

- Policy S1 – Sustainable Development
- Policy S7 – Prosperous Rural Community
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1- Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T2 – Accessibility

##### **4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

- Essex Design Guide
- Car Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.
- 5.1.2 The proposal lies outside of the settlement boundary of Tolleshunt Knights as defined by the adopted Local Plan (Inset 25) and the Local Development Plan (Map 1 of 4). The development proposal is therefore considered contrary to Development Plan Policies in principle.
- 5.1.3 The above would lead onto the Council's current position on the Five-Year Housing Land Supply. In August 2016, the Council published the latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2015/2016 August 2016. The Council's position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014-2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.
- 5.1.4 The Council considers that the current status of the Maldon District Local Development Plan (2014-2029) is at its advanced stage and therefore considerable weight can be given to policies S1, S2, S3, S4, S5, S6, S7, S8, H1, H2, H3, I1 and I2 contained within this emerging plan.
- 5.1.5 Further, since the submission of this application, the Secretary of State informed the Council on 6 March 2016 that he has carefully considered the Planning Inspector's analysis and conclusions and disagreed with his interim findings set out in his letter of 8 May 2015.
- 5.1.6 In light of this letter from the Secretary of State, the Council considers that this is a material consideration. It should therefore be given significant weight when determining all planning applications, particularly with regard to the Council's current position on the Five Year Housing Land Supply, the latest evidence to be used for the Full Objectively Assessed Need for Housing, and the weight to be afforded to the status of the Local Development Plan. In this instance, it is considered that the proposed development fails to accord with policies S1, S2, S8, H1, H2 and I1 of the Maldon District Local Development Plan (2014-2029).

- 5.1.7 Policies S1 and S8 of the Maldon District Local Development Plan seeks to channel new residential development into the most appropriate site, within the district and to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Initially, any development proposals should be directed within the defined village settlement boundaries to ensure no demonstrable harm occurs unless material consideration indicates otherwise.
- 5.1.8 The above policies should also be read in conjunction with Policy S2 of the adopted Maldon District Replacement Local Plan (2005) where it states development outside development boundaries defined in the local plan, the coast and countryside, will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. The application site lies outside the development boundary where this rural planning Policy S2 restraint applies.
- 5.1.9 The application site lies to the north of Brook Close and Strawberry Lane just outside the defined settlement boundary of Tolleshunt Knights. Tolleshunt Knights is a small residential village with no shops, services or local facilities other than a village hall. The village therefore has very poor sustainability credentials from an accessibility perspective. More extensive facilities are available in Tiptree, around 2000 metres / 1.2 miles from the application site. An informal bus stop is located some 50 metres from the access point from the site which would provide a link to larger centres at Tollesbury, Tiptree and Witham. However, this service is very limited. Further, there are no footpaths that links the application to the informal bus stop, however it is noted that there is a footpath on the opposite side of D'Arcy Road. Although, the facilities in Tiptree would be within reasonably convenient cycling distance, the route would be unlikely to be attractive to pedestrians. Consequently, it is considered that future occupiers of the proposed dwellings on this site would be reliant on trips by private car for most of their day to day needs.
- 5.1.10 Whilst Tiptree offers access to a local town, schools and everyday facilities, there is no opportunity for future occupiers to access these facilities without the use of private cars. As mentioned above, there is an informal bus stop in close proximity of the site and as this is not clearly marked, it is not clear whether buses stop in this locality and further encouraging the use of private cars. Based on this assessment, the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T1 of the Local Plan and policy T2 of the Local Development Plan. The proposal would therefore not comply with these policy requirements.

## **5.2 Affordable Housing**

- 5.2.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Saved policy H9 of the adopted local plan, and policy H1 of the Local Development Plan (LDP) provide thresholds for the provision for both on and off site affordable housing.

- 5.2.2 Policy H1 of the LDP is based upon an evidence base which requires Affordable Housing provision on - "All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing".
- 5.2.3 The Local Development Plan (LDP) requires 40% affordable social housing provision. Paragraph 216 of the National Planning Policy Framework (NPPF) states that decision takers may give weight to emerging plans according to the stage of preparation of the emerging plan, the more advanced the preparation, the greater the weight that may be given. As a submitted Plan currently being considered by the Secretary of State, the LDP is at an advanced stage of preparation. The Council is therefore now seeking to implement the affordable housing requirements contained with the LDP. In addition to this policy with regards to affordable housing provisions, it is important to note that a recent Court of Appeal decision dated 11 May 2016 has restored a government policy which means affordable housing contributions would only affect large residential development schemes, while smaller sites of 10 homes or fewer would be able to start work on sites without facing charges that could prevent developers from building at all. The national threshold of ten units or fewer (and a maximum combined gross floor space of no more than 1000 square metres) means that affordable contribution should not be sought.
- 5.2.4 As the development proposal is for the erection of 27 houses, the Council therefore seeks to implement the affordable housing requirements contained with the LDP which are 40% Affordable Housing provision for this scheme which equates to 11 Affordable Housing units.
- 5.2.5 The requirements at 25% - 40% affordable provision based on the recommendations of the Maldon District Council Strategic Housing Market Assessment (SHMA) 2014 are:-
- 80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed 5 person, 4 bed 7 person as required 20% all affordable should be suited to meet needs of older people 1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. The recommendation on tenure mix is 80% Social/Affordable Rented and 20% Intermediate (Shared Ownership).
- 5.2.6 To meet the requirements of the SHMA with regards to unit sizes, the Housing Department has recommended the following units are provided as the affordable contribution for this scheme with the 2 bed units comprising 2 bed 4 person houses which meets our greatest housing need:-
- 4 x 1 bed 2 person units
  - 5 x 2 bed 4 person units
  - 2 x 3 bed 5 person units.
- 5.2.7 The Affordable Scheme detailing tenure, cost, sizes and allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.

- 5.2.8 Although the Applicant is proposing 11 affordable units which meets Policy H1, the size of the units is not as recommended above regarding the SHMA. As such, the Housing Department would only support the scheme if the size of the units was in relation to the recommendations of the SHMA. In this respect, the Housing Department cannot fully support this proposal until further discussions / agreements are met to comply with Policy H1 regarding the correct type of housing provision that will meet the housing needs of the District.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The NPPF advises at Paragraph 56 that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people’. Such design principles are encapsulated by Local Plan policy BE1 that seeks to ensure new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonises with the character of the area in which it is located. It should be noted that design is not just about how buildings will appear visually but how buildings function and relate to their surroundings, and with regard to sustainable development. This is also reflected in policy CC6 which seek to protect the character and appearance of areas outside of defined settlements. Policies D1 and N2 of the Local Development Plan carry such policy considerations into the future plan for the District in order to reflect the requirements in the NPPF.
- 5.3.2 The application site is located to the north side of Brook Close and to the rear of existing residential properties fronting onto Strawberry Lane and D’Arcy Road. The site is free from any built form of development and is fairly rural in nature. The site is laid to grass and partially enclosed by trees, hedgerows and timber fencing. The proposed development would, due to the quantum of development proposed, unquestionably result in a demonstrable change to the character and appearance of the site from one of a rural nature to a urban form of development.
- 5.3.3 Based on the Illustrative Site Layout Plan submitted (Drawing No: 1459-PS.002 Rev C), it shows that the development proposal is broadly consistent with the prevailing pattern of development in the immediate locality with a housing density of approximately 17 dwellings per hectare. However, the layout of the residential properties creates an exclusive inward looking development with public open space and play area only accessible to residents. The development proposal, if approved, would not integrate successfully with the natural and built environment as it appears to be an exclusive development, self-contained by its boundaries and limited safe and attractive connections to the existing community and the wider area by walking and cycling with the evitable heavy reliance on the motor vehicle for short journeys and to access services and facilities not within the village. The development as a whole responds poorly to its existing context and fails to connect with the pattern of development and footpaths, both in and outside, of the site.
- 5.3.4 In addition to the above, the introduction of additional domestic paraphernalia, hard surfacing and off-street parking as a result of the 27 new dwellings would, on balance, cause unacceptable harm to the character and appearance of the area. The proposal would conflict with policies BE1 and CC6 of the adopted local plan which seek to ensure that the design of new development is compatible with the character of its

surroundings and to avoid harm to the character and appearance of rural landscapes. The proposal would also be contrary to the objective of the Framework, as set out in Paragraph 58, of ensuring that development responds to local character and reflects the identity of its surroundings.

- 5.1.5 In the Applicant's Planning Statement, reference was made to a 1993 planning application for residential development on this site. That particular application was refused by the Council on 25 May 1993 and was subsequently dismissed on Appeal following a Public Inquiry dated 2 March 1994 (reference. T/APP/X1545/A/93/227836/P2). Whilst the Council is fully aware of that appeal and its content stating that residential development on this site '*would not result in an unacceptable extension of the village into the countryside*', it is important to note that circumstances of the site, surrounding development and the policy environment and Government guidance have changed since 1993 and therefore, limited weight should be given to that appeal decision when determining this current application and this is not considered to outweigh the harm highlighted above.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 Policy BE1 of the adopted local plan and Policy D1 of the Local Development Plan seeks to ensure good design for new development proposals. These policies also encompass the need to ensure the protection of neighbouring amenity.
- 5.4.2 It is important to note that this is an outline planning application with the 'layout', 'appearance', 'landscaping' and 'scale' forming the reserved matters. No details have been submitted at this stage regarding the design, appearance and the exact height of the dwellings or the position of the fenestration on each property. The Council is therefore unable to assess the impact regarding the loss of light or privacy to any of the existing residential properties fronting onto D'Arcy Road, Brook Close and Strawberry Lane. However, it is considered possible for a development to be provided on site for the quantum proposed that would not have a detrimental impact on the amenity of adjoining residents.
- 5.4.3 On this basis it would be unreasonable for the Council to refuse planning permission regarding the loss of residential amenity as these issues can be addressed at the reserved matters stage through careful and appropriate design and by imposing appropriate planning conditions.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising two/three bedrooms require a maximum of two, off-street parking space. For four or more bedroom dwellings, three, off-street parking spaces would be required. The illustrative Site Layout Plan submitted (1459-PS.002 Revision C) has been provided in support of this outline planning application and it appears that each dwelling is able to accommodate the level of off-street parking requirement in accordance with the VPS and Policy T8 of the adopted local plan. In this respect, the proposal would comply with the aforementioned policy and guidance.
- 5.5.2 In terms of the new vehicular and pedestrian access point to serve the development proposal and the footpath connection, the Highway Authority has raised no objection

to the proposal subject to conditions and informative to be imposed should the application be approved.

## **5.6 Flood Risk**

- 5.6.1 The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. New dwellings and residential uses are considered to have high vulnerability as defined in the National Planning Practice Guidance (NPPG) and previously in the technical guidance to the NPPF.
- 5.6.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).
- 5.6.3 In addition the Exceptions Test is also applicable and is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. This is a two part test requiring evidence to be submitted to show that the benefits of the development would outweigh the risk of flooding and that the development will be safe for its lifetime. This aspect of the test requires the submission of a Flood Risk Assessment (FRA).
- 5.6.4 In terms of the Sequential Test, as part of the FRA (Flood risk assessment and surface water Drainage/Suds Strategy Report ref: 1761/re/01-17/02 dated February 2017 prepared by Evans Rivers and Coastal Ltd), it does not appear that both the Sequential Test and Exceptions Test have been carried out on this site as such it cannot be concluded that the site passes the Sequential Test to claim that there is no suitable alternative sites at the district level. In this respect, the applicant has failed to meet the requirements of the sequential test.
- 5.6.5 As the Sequential Test has not been passed it is necessary to undertake the Exceptions Test. The first part of the Exception Test requires the Council to be satisfied that the development provides wider sustainability benefits to the community that outweighs flood risk. In this instance, and as noted above, the Council can demonstrate a 5 year housing land supply and the benefits of the scheme in this instance are not considered to outweigh the harm of increased risk of flooding.
- 5.6.6 The second part of the Exception Test requires the submission of a FRA which demonstrates the development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce the overall flood risk where possible. The Environment Agency has been consulted and has advised that their maps show the application site lies within fluvial Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for outline planning permission to erect up to 27 dwellings and form access road onto Brook Close, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the

application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

- 5.6.7 The Environment Agency has reviewed the application and supporting documents, as submitted, and objects to this development proposal on flood risk grounds until the deficiencies contained in the submitted Flood Risk Assessment are addressed. The Environment Agency considers at present that the proposal is contrary to Government advice contained within the National Planning Policy Framework and policy D5 of the Local Development Plan.
- 5.6.8 In addition to the above, the Council can demonstrate a 5 year housing land supply as detailed in Section 5.1.3 and 5.1.6 of the report and on this basis, the benefits of the proposal in this instance are not considered to outweigh the harm of increased flooding as a result of the development, contrary to Government guidance and the aforementioned policies.
- 5.6.9 As part of the outline planning application, Essex County Council SUDs Team has consulted on the proposal and has advised that the Drainage Strategy submitted does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for dwellings with four bedrooms or more, at least 100 square metres of amenity space should be provided. Policy BE1 of the adopted local plan and Policy D1 of the Local Development Plan indicate the need for amenity space in new development and this must be useable.
- 5.7.2 Based on the illustrative Site Layout submitted, it appears that the garden sizes for each proposed dwelling would meet or would be in excess of the minimum standards. Further, a public open space and play area is proposed to the west of the site. This green wedge is considered an important part of the development due to its location and its relationship with the surrounding rural area to the north and North West where open land continues even though it is sited outside the Maldon District.
- 5.7.3 In this respect, the proposal would meet policy requirement contained within policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and The Essex Design Guide.

## **5.8 Ecology**

- 5.8.1 An ecology report was submitted as part of the application submission (Eco-Planning UK). In addition to the above report, the Applicant had emailed the Council on 5 May 2017 stating that additional ecological surveys identified in the preliminary ecological assessment submitted are currently being carried out on site and this information will be submitted to the Council by the end of May. No further ecology details have been submitted to the Council at the time of writing this report.

Irrespective of this, Natural England has raised no objection to the proposal as the proposal is unlikely to affect any statutorily protected sites or landscapes.

**6. ANY RELEVANT SITE HISTORY**

- 93/00134/OUT - Residential development. Refused: 25.05.1993 – Appeal Dismissed on: 02.03.1994
- 07/00161/FUL - Use of land for keeping and exercising horses for recreational purposes. Approved: 4 April 2007

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights Parish Council	Refuse for the following reasons:- <ul style="list-style-type: none"> <li>• Inadequate access via Brook Close</li> <li>• Narrow Road</li> <li>• Obstruction caused by vehicles parked</li> <li>• Poor visibility splays</li> <li>• Increase in traffic using this junction could impact on highway safety especially there are problems with speeding along D’Arcy Road</li> <li>• No safe pedestrian access</li> <li>• Limited services / facilities</li> <li>• Not convinced that safe pedestrian footway can be provided</li> <li>• Affordable housing may be attractive for older people / young families but due to poor access to services / facilities / public transport, they may become isolated</li> <li>• Pressure on local infrastructure</li> <li>• Impact on drainage</li> </ul>	Noted in Sections 2, 5.3, 5.5 and 5.6 of the report

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<ul style="list-style-type: none"> <li>Impact on the protected woodland at Factory Hill</li> </ul>	

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No objection subject to conditions	
Natural England	Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.	Noted in Section 5.8 of the report
Colchester Borough Council	Colchester Council does not oppose the broad principle of this development provided it maintains a meaningful separation between the parishes of Tolleshunt Knights and Tiptree.	Noted
Environment Agency	Object to the proposal	Noted in Section 5.6 of the report
Essex and Suffolk Waters	Our records show that ESW do not have any apparatus located in the proposed development.	Noted
Anglian Water Services	No reply at the time of writing this report	Any comments received will be reported on the Members Update
ECC SUDS Team	Objects to the proposal	Noted in Section 5.6 of the report
Education Department	No reply at the time of writing this report	Any comments received will be reported on the Members Update

## 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services	No objection subject to conditions relating to surface water, foul water, air quality and	Noted and conditions would be imposed should the outline planning application be approved

Name of Internal Consultee	Comment	Officer Response
	contamination to be submitted and approved by the Council	
Housing Department	The application proposes 11 affordable units which would meet Policy H1, the size of the units is not as recommended above regarding the SHMA. Housing would support the scheme if the size of the units was in relation to the recommendations of the SHMA.	Noted in Section 5.2 of the report

#### 7.4 Representations received from Interested Parties (*summarised*)

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

- Mr Stephen Ellis 3 Brook Close Tolleshunt Knights Nr. Tiptree
- Mr & Mrs Hood 27 Strawberry Lane Tiptree Essex
- Mr & Mrs Gibbs 5 Strawberry Lane Tiptree Colchester
- Mr & Mrs Dyer 9 Strawberry Lane Tiptree Colchester
- Mr & Mrs Colclough 11 Chestnut Way Tiptree CO5 0NX
- Richard Wright 6 Strawberry Lane Tiptree Colchester
- Robert Hadley 2 Mary Wright Way Tiptree Colchester
- Tom Scott & Beth Sorrell 6 D'Arcy Road Tiptree Colchester
- James Read 58 Strawberry Lane Tiptree Colchester
- Mrs Tracy Stimson 26 Darcy Road Tolleshunt Knights Colchester
- Mrs Sharon Said 35 Strawberry Lane Tolleshunt knights Tiptree
- Mrs Joanne Wray 14 Strawberry Lane Tolleshunt Knights Tiptree
- Mrs R Ellis 34 Strawberry Lane Tiptree Colchester
- Brian & Anne Knight 52 Strawberry Lane Tiptree Colchester
- L Jocelyn, M Wickison & M Simpkins 30 Strawberry Lane Tiptree Colchester
- Pamela Simpson 20 Strawberry Lane Tiptree Colchester
- P, A & L Nind 22 Strawberry Lane Tiptree Colchester
- N. Sutton & D. Burgess 32 Strawberry Lane Tiptree Colchester
- Mr J A Carruthers 11 The Folly Tiptree Colchester
- Constance Porter 10 D'Arcy Road Tiptree Colchester
- George Parnwell 21A Strawberry Lane Tiptree Colchester
- Susan Parnwell 21A Strawberry Lane Tiptree Colchester
- Liz & George Pitman High Clere Tudwick Road Tiptree
- Mr Paul S Winger & Ms Shona M Johnson 2 Brook Close Tolleshunt Knights
- Mrs Glenda Russell 22 D'arcy Road Tolleshunt Knights Colchester
- Mr Steven Cookson 38 strawberry lane Tolleshunt knights Co5 0rx
- Mr Mark Myers 40A Strawberry Lane Tolleshunt Knights Essex

- Amanda & Wayne Bennett 36 Strawberry Lane Tiptree Colchester
- Dale Jewitt 1 Brook Close Great Totham Essex
- Shirley Taylor 44 Strawberry Lane Tiptree Essex
- Simon Taylor 44 Strawberry Lane Tiptree Colchester
- Teresa & Steve Whiting 2 The Folly Tiptree Essex
- Mrs Danielle Jewitt 1 Brook Close Tiptree Colchester
- Mrs Carolyn Mcsweeney On Behalf Of Tiptree PC Mynott Court Church Road
- Doug Tungatt & Sally Amos 50 Strawberry Lane Tolleshunt Knights Essex
- Elizabeth Mann 29 Strawberry Lane Tolleshunt Knights Colchester
- Mr & Mrs Smith 19 Strawberry Lane Tiptree Colchester
- Margaret & Bernard Harris 17 D'Arcy Way Tolleshunt Knights Essex
- Robert Long Forge Cottage 12 D'Arcy Road Tolleshunt Knights
- Caroline & Reg Riley 3 D'Arcy Road Tiptree Colchester
- Mrs Dawn Evans 55 Brook Road Tiptree COLCHESTER
- Miss Andrea Hayward 40 Strawberry Lane Tiptree Colchester
- Mr Robert Binks Brook Cottage Tudwick Road Tolleshunt D'Arcy
- Mrs Karen Pearse 28 Strawberry Lane Tolleshunt Knights CO5 0RX
- Mr Kent 15 Strawberry Lane Tiptree Colchester
- Michael Cole 68 Brook Road Tolleshunt Knights Essex
- Kenneth James 21 Strawberry Lane Tiptree Colchester
- Mr & Mrs Wagerfield 26 Strawberry Lane Tolleshunt Knights Essex
- Mr Colin Dock 60 strawberry lane Tolleshunt knights Colchester
- Mr Danny Whybrow 34a Strawberry Lane Tolleshunt Knights Colchester
- Mr Paul Turner 4 D'Arcy Road Tolleshunt Knights Essex
- David Baverstock 18 D'Arcy Road Tolleshunt Knights Essex
- Mrs Allen 8 Darcy Road Tiptree Essex
- Mr & Mrs Poyntz 8 Strawberry Lane Tiptree Essex
- Mrs Michelle Cox westwood house Tiptree CO5 0SB

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Poor access onto Brook Close</li> <li>• Increase in parking</li> <li>• Increase in traffic</li> <li>• Obstruction when delivery / collection is taking place</li> <li>• Emergency vehicles unable to access the development site</li> <li>• 30pmh speed limit is ignored by drivers</li> <li>• Lack of public service</li> <li>• Lack of pavement</li> <li>• Impact on local infrastructure</li> <li>• Wilkins have put a hold on redevelopment therefore any creation of jobs would be questionable</li> <li>• The development is outside the settlement boundary</li> </ul>	<p>The comments have been addressed in Sections 5.3, 5.4, 5.5, 5.6 and 5.7 of the report</p>

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• Impact on ecology / wildlife</li> <li>• Loss of rural ambience</li> <li>• Planning permission was refused on this site in 1994</li> <li>• Development is out of place</li> <li>• The site is not in a sustainable location</li> <li>• The development would increase flooding and surface water</li> <li>• The development would result in loss of privacy and overlooking to existing properties</li> <li>• There are a lot of inaccuracies in the Applicant's Planning Statement</li> <li>• Light pollution from the development</li> <li>• Loss of view</li> <li>• Both ends of Strawberry Lane is hazardous</li> </ul>	

7.4.2 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mrs Judy Massie Elmfield Layer Breton Colchester

Comment	Officer Response
<p>North East Essex Badger Group:- No recording of badger sett on this land, but there is one in close proximity to this site and there has been sightings Badgers are nocturnal and may fall into open excavations etc. and unable to get out. Should this application be approved, this would need to be taken into account</p>	<p>Noted and could be conditioned should the outline planning application be approved.</p>

## 8. REASONS FOR REFUSAL

1. 'The application site is in a rural location outside of the defined settlement boundary for Tolleshunt Knights where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. Further, the proposed development would fundamentally alter the open character of the western edge

of the village of Tolleshunt Knights. If developed, the site would be disconnected and isolated from the existing settlement, which is compounded by poorly designed layout that has limited access and connectivity with the existing village. Furthermore, the proposed development would fail to protect and enhance to the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area, contrary to policies S2, H1, BE1, CC6 and T2 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

2. The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply, as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development is contrary to Government guidance and advice contained in the National Planning Policy Framework, the National Planning Practice Guide, and policy D5 of the Maldon District Local Development Plan.