



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
12 MARCH 2018**

Application Number	OUT/MAL/17/01327
Location	Land South Of 97 South Street Tillingham Essex
Proposal	Change of use of land to residential and construction of 14 residential dwellings (Resubmission of previously withdrawn application to include Flood Risk Assessment and Surface Water Management Strategy)
Applicant	Mr Oliver Mee - J D Mee & Sons
Agent	Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	6 March 2018
Case Officer	Yee Cheung TEL: 01621 875741
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land South Of 97 South Street Tillingham OUT/MAL/17/01327



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/01327/OUT

Date: 27/02/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The development site comprises 0.57 hectares of open land to the south of the village of Tillingham. The site is currently farmed and forms a part of the Applicant's agricultural holding. The application site adjoins existing residential properties on South Street to the north. To the east of the site is a continuation of open farmland. The site is bounded by Grange Road to the south which is a narrow country lane. There is an existing hedge / trees on the western boundary of the site along South Street. There is also a hedge / trees along the southern boundary along Grange Road.
- 3.1.2 Located approximately 120 metres to the north of the site is the Tillingham Village Conservation Area.
- 3.1.3 To the west, on the opposite side of the application site is a new residential development 'Southfields' which has been recently completed (planning reference: **FUL/MAL/13/00945**)
- 3.1.4 Outline planning permission is sought to erect 14 dwellings with associated off-street parking and turning area and private amenity space. Four of the 14 dwellings would be affordable. The matters for consideration are the principle of the development and the access to the development. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage. As part of this submission, a Flood Risk Assessment (FRA) and Surface Water Management Strategy has been submitted to support the case.
- 3.1.5 The illustrative Proposed Site Plan (TMA/686/01 G) shows two pairs of semi-detached properties located to the north western part of the site to be affordable housing with the remaining residential properties to be three bedroom detached properties for the open market.
- 3.1.6 The proposed dwellings would be positioned in a cul-de-sac arrangement. A proposed access and egress point to the site would be off South Street. Two turning areas have been proposed within the site and would be shared between the future occupiers of the site. Based on the illustrative Proposed Highway Plan (TMA/686/02) submitted, communal car parking spaces and driveways would be provided for the future occupiers of the site.
- 3.1.7 In the Design and Access Statement prepared by TMA dated November 2017, it states that the dwellings would incorporate a range of high quality building materials with elevations to include brick and render elements along with traditional weatherboarding to add character.

3.2 Conclusion

- 3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at Paragraph 14 and sets out the three strands of sustainable development at Paragraph 7. Also, Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable.

- 3.2.2 The proposal lies outside the settlement boundary of Tillingham village and therefore the development would be contrary to Policy S8 of the Maldon District Local Development Plan (LDP). While the development would create jobs during the construction of the dwellings and contribute to the economic dimension of sustainability, albeit for a limited period and that the future residents could help to support the local facilities within Tillingham village, it is considered that there are significant concerns over the harmful effects of the development on the character and appearance of the rural area. It is considered that the benefits arising from the development would not outweigh the environmental harm caused as a result of its negative impact on the open landscape. Therefore the proposal would not amount to a sustainable form of development and would not benefit from the presumption in favour of development set out in the Framework nor would it accord with the aims of Policies S1, S2, S8, D1, H1, H4 and I1 of the LDP and Government guidance contained within the NPPF and the NPPG.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 49, 50, 56, 57, 58, 64, 109

4.2 Maldon District Local Development Plan approved by the Secretary of State

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- 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 Environment and Biodiversity
- Policy T2 – Transport and Infrastructure
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Planning History of the Site

- 5.1.1 Outline planning permission **OUT/MAL/14/01024** was refused and dismissed on appeal for the construction of up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure which included this application site. A subsequent application **OUT/MAL/15/00483** for the construction of up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure was also refused.
- 5.1.2 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than the two abovementioned planning applications at this site, being reduced from 90 and 85 to 14 dwellings, it is considered that the previous applications are a material consideration when determining this current application.

5.2 Principle of Development

- 5.2.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.2.2 The LDP, as approved, has been produced in light of the NPPF's emphasis on sustainable development and approved policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.2.3 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include general open market new-build housing.
- 5.2.4 The application site is outside a development boundary and is in the countryside for the purposes of application of the abovementioned planning policies. As such the proposal is in conflict with the approved policies.
- 5.2.5 The Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2016/2017 in September 2017 which demonstrates that a five year housing land supply is available and it is noted that the housing policies of the LDP are up-to-date.
- 5.2.6 The application site is located at the southern end of the village of Tillingham and forms a corner site with South Street to the west and Grange Road to the south. The site is located immediately adjacent to the development boundary approximately 570 metres from the centre of the village which is within walking distance. Tillingham village has a number of services and facilities including a post office / shop, medical centre, primary school, church, village hall and two public houses. With regard to public transport there are bus services to Burnham-on-Crouch, Southminster and Bradwell-on-Sea with a school service to the secondary school at Burnham-on-

Crouch. There are train stations located at Burnham-on-Crouch and Southminster, with the bus service providing early morning and early evening services to and from Southminster rail station which is located approximately 4.1 miles from the application site via the road network.

- 5.2.7 Based on the above, the site is considered to be in a reasonably accessible location where future residents would have access to local community facilities as well as access to employment opportunities through the public transport links. The same approach was also taken in relation to the residential development on the opposite side of the road (now known as ‘Southfields’) when it was approved.
- 5.2.8 In respect of this, Paragraph 17 of the NPPF sets out a core planning principle as part of its overriding 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 T2 of the LDP. The proposal would therefore comply with this requirement.
- 5.2.9 Whilst the proposal complies with policy T2 of the LDP in relation to accessibility, it is considered that the principle of 14 new dwellings in this location would be contrary to policy S8 of the LDP and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Local and national policies aim to achieve sustainable development by balancing development requirements with environmental protection. This balance is done through the preparation of the LDP, which should be viewed as the Council’s definition of sustainability. The proposal does not accord with the LDP and is therefore not considered sustainable. Detailed assessment of the character and appearance of the area will be discussed in the report below.

5.3 Housing Need and Mix

- 5.3.1 The proposal would provide 4 x two bedroom dwellings (affordable) and 10 x three bedroom dwellings (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (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. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it requires local authorities to “*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*” and “*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*”. In this instance, the proposed dwellings would therefore assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of four x two bed dwellings would contribute to the identified affordable housing need

and would be a material consideration in favour of the proposal, but no smaller open market housing have been proposed to meet the SHMA. In this respect, the benefits arising from this development proposal would be limited and the abundance of large market housing would be contrary to the requirements of Policy H2.

- 5.3.3 In terms of the affordable housing, the outline planning application triggers 25% affordable housing requirement under Policy H1 of the LDP 2014-2029. The requirements at 25% - 40% affordable provision based on the recommendations of the SHMA are as follows:

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 beds 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 70% Social/Affordable Rented and 30% Intermediate (Shared Ownership).

- 5.3.4 The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement. It is to be noted that the Parish of Tillingham is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, Designated Protected Areas in the East of England Schedule 7. This restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property. However, it is possible to remove this restriction subject to the approval of both the Homes and Communities Agency and Maldon District Council.
- 5.3.5 The Housing Department has been consulted and supports the proposal which accords with Policy H1 in meeting / providing 25% of Affordable Housing provision as it would provide much needed affordable housing to meet the housing needs of the District.
- 5.3.6 Whilst the affordable housing contribution is mentioned in the Applicant's Design and Access Statement and will be provided in terms of a S106 legal agreement, it is noted that no draft Heads of Term has been submitted in support of the application. In the absence of a signed legal agreement, the development makes no contribution for affordable housing which would be required with respect to meeting the Council's affordable housing and social infrastructure requirements. As such the proposal is considered to be contrary to policies H1 and I1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 5.3.7 With regard to the Housing Mix, the application proposes 10 x three bed houses. The proposal would fail to accord with the Council's updated Strategic Housing Market Assessment (SHMA, 2014) where the requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units, contrary to Policy H2 of the LDP.

5.4 Design and Impact on the Character of the Area

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development

is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

- 5.4.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 The application site is located within the Tillingham and Latchingdon Coastal Farmland (E2), as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is criss-crossed by drains and ditches, many of the field patterns have noticeable right-angled bends that the adjacent lanes follow, which is thought to demonstrate evidence of ancient planned landscape. The mainly rectilinear field pattern is medium to large scale. Extensive hedgerow loss in many places gives the appearance of a large-scale field pattern. Farming is a mix of arable and some pasture enclosed by elm-dominated hedgerows and copses, many of them containing a large proportion of dead elms, victims of Dutch elm disease. It is noted that the fringes of most of the older villages have been suburbanised in an unsympathetic way that visually intrudes into the local Landscape and urban expansion are visually intrusive in terms of density and architectural style. The development of this site would result in the loss of agricultural land which is currently being farmed.
- 5.4.4 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than two previous planning applications at this site: **OUT/MAL/14/01024** (90 dwellings) and **OUT/MAL/15/00483** (85 dwellings) to 14 dwellings, it is considered that given the site's current rural appearance, the proposal would lead to a significant and harmful change to the open landscape of the site and its surroundings where policies S1, S8 and D1 seeks to protect these areas from inappropriate development. Further, the cul-de-sac arrangement of development of the site for residential dwellings with associated domestic paraphernalia, hardstanding, and the communal parking of vehicles would erode the rural character and appearance of the area.
- 5.4.5 In terms of the layout of the development, the illustrative plans submitted effectively shows the dwellings to be two plots deep from the South Street frontage. The layout is not characteristic of Tillingham village and the existing pattern of one plot depth development and single on plot parking and urbanises a particularly sensitive juxtaposition where the edge of the village meets open countryside. Further, the illustrative Proposed Site Plan (Drawing TMA/686/01 G) appears to show a public open space proposed on the corner of a busy road junction, where three principle roads meet. This would not encourage the future occupiers or existing occupiers to the north and west of the site to use this space due to its size and positioning at a prominent corner location.

- 5.4.6 The indicative Site Plan places five dwellings with either their backs or sides to the countryside therefore requiring secure and private boundary treatments within the open field. Despite the proposal of a boundary hedgerow and scope for additional planting within the site which could provide some degree of screening, the proposed development would, nevertheless, encroach upon the open setting of the village which contributes to its aforementioned harm. Although new planting would be provided to the site boundary to the east, it is likely that the development would remain visible to a large extent, particularly given that any new planting introduced would take time to mature.
- 5.4.7 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.4.8 As such, this document considers layout and density a key factor in the delivery of new development. Section C12 of the MDDG states that new development should respond to the existing pattern of development within a settlement taking cues from existing patterns of plot subdivision and the relationship between the built and non-built form. Effective use of land includes local density appropriate to the location and must respond to and enhance the character of the existing settlement. Based on the assessment above, it is considered that the proposal would not only contravene Local Development Plan policies, but also the MDDG.
- 5.4.9 It is noted that the Applicant's Design and Access Statement dated November 2017 has made reference to the 27 houses recently built out on the western side of South Street. It is important to note that application **FUL/MAL/13/00945** was approved in January 2014 and was being built out at the time of the Appeal Site visit for the previous application on 25 August 2015. It is therefore considered that the Southfields site had a very different character to the site the subject of this application attributed to its *'undeveloped grassland and vacant light industrial building and storage buildings'* (quoted from the Design and Access Statement in support of planning application **FUL/MAL/13/00945**) existing on the land and its relationship to the existing residential dwellings on its western boundary fronting onto Tillingham Road.
- 5.4.10 No illustrative elevational plans have been submitted with this outline planning application for the Council to appropriately assess the design, scale, bulk, height and appearance of the development of the houses proposed within this site. Therefore the Council cannot assess the acceptability of the proposal at this stage and it is not required to do so as the application is in outline.
- 5.4.11 Having taken into account the above, it is considered that the impact of the development on the character and appearance of the site and surroundings would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1, S2, S8, D1 and H4 of the LDP, and Government advice contained within the NPPF. It is noted that the plans submitted are indicative, but any

arrangement of dwellings on this site would be harmful to the character and appearance of the area. The proposal would also contravene section C12 of the MDDG.

- 5.4.12 The Urban Design Officer and Coast and Countryside Officer have both assessed the application and considered that the proposal would compromise the openness of the field behind the existing hedge and urbanise the identity and character of the site at this sensitive rural location. Coupled with domestic paraphernalia such as tarmaced roads, pedestrian footways, car parking areas, lighting, private amenity space and necessary boundary treatments between the proposed dwellings as shown on the indicative Site Plan, it is considered the proposal would be inimical to the prevailing character and appearance of the settlement, contrary to the aforementioned Development Plan Policies.

5.5 Impact on Residential Amenity

- 5.5.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.2 The application is outline in nature with some matters reserved for consideration at a later date. Outline planning permission is sought to construct 14 dwellings with vehicular and pedestrian access off South Street almost central to and within the plot. An illustrative Site Plan submitted shows an internal drive, two turning areas and communal parking spaces to the north and south of the site to serve the future occupiers of the development.
- 5.5.3 With regard to impact on residential amenity, it is important to note that appearance, scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent Reserved Matters application. Based on the illustrative Site Plan submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring property No. 97 South Street to the north of the site in accordance with the criteria of policy D1 of the LDP, and the Government guidance contained within the NPPF.

5.6 Access and Highway Safety

- 5.6.1 Based on the plans submitted, the proposed dwellings are accessed via a private drive from South Street as detailed on the Proposed Highways Plan (TMA/686/02 Revision B). There are four dwellings to the rear which are effectively creating a 2 plot depth from the South Street frontage. Some of the dwellings have private driveways while there are some dwellings with parking courts. The four dwellings to the north west fronting onto South Street would have parking court comprising of eight spaces to the rear. To the southern part of the site where there are three dwellings fronting onto Grange Road, nine parking spaces are proposed.
- 5.6.2 Concerns have been raised by interested parties regarding the access, the bend in the road, and additional traffic that would be generated by this development proposal.

The Highway Authority has been consulted and raises no objection regarding the proposal subject to conditions in relation to a Construction Method Statement (CMS) and details visibility splays, footways, dropped kerbs, boundary treatment and Residential Information Pack to be submitted to and approved by the Council prior to the occupation of the development. As such, the proposal would comply with policy T2 of the LDP.

5.7 Parking

5.7.1 The Council's Vehicle Parking Standards ('VPS') state that for two / three bedroom dwellings, a maximum of two car parking spaces should be provided.

5.7.2 Based on the illustrative Site Plan submitted, it appears that some plots would have parking in the form of private parking and some with communal parking. Further, seven visitor spaces would also be provided for the future occupiers of the site.

5.7.3 In this instance, the proposal would accord with Policies D1 and T2 of the LDP. Again, the Highway Authority has raised no objections subject to conditions and informative to be imposed should the application be approved. The precise number and layout of parking spaces would be agreed at Reserved Matters stage.

5.8 Private Amenity Space and Landscaping

5.8.1 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 two bedroom dwellings between 50-75m² of private garden should be provided and for three or more bedroom dwellings at least 100m² of amenity space would be required. This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

5.8.2 Based on the illustrative Site Plan, it appears that the garden size for each proposed dwelling would meet, and in some instances, be in excess of the minimum standards. This is considered an important part of the development due to its rural location of the site and relationship to the adjacent open countryside to the eastern boundary of the application site. The proposal would therefore meet the requirements contained within Policy D1 of the LDP, The Essex Design Guide and the MDDG.

5.9 Other Material Considerations

ECC SUDs Team

5.9.1 Policies S1, D1 and D5 of the LDP seek to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

5.9.2 The SUDs Team at Essex County Council has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and have issued a holding objection to the granting of planning permission based on the fact

that the Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Full / 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. In particular, the SUDs Team has noted that there does not appear to be a consistent run off rate used throughout the design of the application site. The run off rate proposed is 1.59 l/s within the drainage report; however within the storage calculations it appears that a run off rate of 1.9l/s has been used. Run off rate should be limited to the 1 in 1 year greenfield rate. It should be clearly demonstrated the proposed run off rate and storage volume, with the proposed run off rate being used within the storage volume calculation. In this respect, the proposal would fail to meet Policies S1, D1 and D5 of the LDP.

- 5.9.3 Since the above comments from the SUDs Team, the Applicant has submitted amended calculations and a revised report for the site on 24 January 2018. In the submission, The Applicant confirms that the 1 in 1 year rate for the surface water storage requirement has been rounded up to 1.7 (l/s) whereas the Greenfield runoff estimate has not been rounded up (1.65).
- 5.9.4 The SUDs Team has been re-consulted and in the response dated 19 February 2018, no objection has been raised regarding the proposal. It was advised that planning conditions and an informative to be utilized should the application be approved in accordance with Policies D1 and D5 of the LDP.

Connection to Utilities

- 5.9.5 With regard to connections to utility services (electricity, gas, water etc.) the onus would be on the Applicant to obtain permission from the relevant providers.

Education

- 5.9.6 Concerns were raised regarding the development and its likely impact on the local primary school. In the two previous applications: **OUT/MAL/14/01024** and **OUT/MAL/15/00483** where the development proposal had involved a much larger residential scheme for 85 and 90 houses, the issue regarding to impact on the local primary school was not considered by the Planning Inspectorate. It is therefore considered that to refuse the development for 14 dwellings on the basis that the development would affect the capacity on the local primary would be unreasonable and would be difficult for the Council to sustain on appeal.

Health Care Provisions

- 5.9.7 In the **OUT/MAL/14/01024** and **OUT/MAL/15/00483** where the development proposal had involved a much larger residential scheme for 85 and 90 houses, no objections were raised by the NHS subject to a planning obligation requiring a contribution for additional healthcare services arising as a result of the large development schemes. As the current proposal is for 14 dwellings, it is considered that a contribution towards healthcare services would be disproportionate and unreasonable as the impact would not be significant when compared to the two previous applications.

- 5.9.8 Conservation Area

It is noted that the nearest designated heritage asset to the application site is the Tillingham Conservation Area. The southern boundary of the conservation area is

approximately 100 metres away from the northern boundary of the application site. Having considered the distance and the number of houses which separate the conservation area from the application site, the Conservation Officer has advised that the development would have negligible impact upon the setting of this heritage asset and would cause no harm to the significance of the conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where it requires that local planning authorities to pay special attention to the desirability of preserving or enhancing the special character or appearance of the conservation area.

5.9.9 Archaeology Team has raised no objection to the proposal subject to conditions.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/01024** - Outline application for up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure - Refused on 20 October 2014. Dismissed on Appeal on 5 February 2016
- **OUT/MAL/15/00483** - Outline application for up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure – Refused: 21 July 2015.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	Object to the application as it fails on economic, social and environmental grounds	Noted in Section 5.32 of the report

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SUDs Team	Holding Objection – Insufficient information has been submitted. The Applicant has submitted additional information and the ECC SUDs Team was re-consulted on 24 January 2018. Response dated 19 February 2018 – No objection subject to conditions.	Noted in Section 5.9.4 of the report
Anglian Water Services	No objection subject to a	Noted in Section 5.9.5 of

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	foul drainage strategy and surface water management strategy to be submitted to and agreed by the Council should the application be approved	the report
ECC Highway Authority	No objection subject to conditions and Informative	Noted in Section 5.6 of the report
Archaeology	No objection subject to conditions	Noted in Section 5.9.9 of the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	The development will have negligible impact upon the setting of this heritage asset.	Noted in Section 5.9.8 of the report
Environmental Health Services	No objection subject to conditions and informative	Noted
Planning Policy Team	<ul style="list-style-type: none"> * The Council has a 5YHLS * Impact on the character and appearance of the village * Limited services and facilities 	Noted
Tree Officer	A soft and hard landscaping scheme would be required should the application be approved	Noted
The Coast and Countryside Officer	Object to the proposal due to the sensitivity of the landscape to the east of the site and the absence of a Landscape Visual Impact Assessment	Noted in Section 5.4.12 of the report
Urban Design Officer	The access point informs the layout of the site and built form would compromise the openness of the field behind the hedge and urbanise the identity and character of the site at this location. The built form would be intrusively visible in this	Noted

Name of Internal Consultee	Comment	Officer Response
	sensitive rural edge	
Housing Department	No objection to the affordable housing mix proposed	Noted

7.4 Representations received from Interested Parties

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:

- Jane Bodley 14 St Nicholas Road Tillingham Southminster
- Ray And Sue Travi 13 Southfields Tillingham Southminster
- Mrs Crowhurst 16 Marsh Road Tillingham Southminster
- M Bodley 14 St Nicholas Road Tillingham Southminster
- Jeanette Hill 13 North Street Tillingham Southminster
- Les Short 2 Bakery Close Tillingham Southminster
- Adam Lewalski 95A South Street Tillingham Southminster
- Roger Hill 13 North Street Tillingham Southminster
- Joyce Derosa 16 St Nicholas Road Tillingham Southminster
- Karen Slater Tillingham Medical Centre 61 South Street CM0 7TH
- Mark Pilkington 1 North Street Tillingham Essex
- M Bowley Seldom Seen Angmering Park No.Littlehampton
- Mr M Purkiss 58 South Street Tillingham Southminster
- Mrs J Purkiss 58 South Street Tillingham Southminster
- Mrs H Bowley & Mr R Tugnutt 2 Slindon Close Broadwater Worthing
- Mr B Morris 7 Southfields Tillingham Southminster
- Mrs A Morris 7 Southfields Tillingham Southminster
- M Tuckett Rotherne 4 Marlborough Avenue Tillingham
- Clive Hawkins Franklin Farm 6 Bill Tanners Road, Barnawatha,
- Mr Dowding 19 Southfields Tillingham Southminster
- Mr A Bashford 22 Slindon Avenue Peacehaven East Sussex
- Clint Tuckey 7 Bakery Close Tillingham Essex
- Mrs S Bashford 22 Slindon Avenue Peacehaven East Sussex
- Karen Foster 7 Bakery Close Tillingham Essex
- Mr P & Mrs D Annison 55 South Street Tillingham Essex
- A J Eaton Pabena South Street Tillingham
- Mrs K P Fox Mark Farm Cottage Bradwell Road Tillingham
- Mr Leslie Edward Fox Mark Farm Cottage Bradwell Road Tillingham
- Mr & Mrs Morris 7 Southfields Tillingham Southminster
- Chris Harvey Thandiswa 61A South Street Tillingham
- John & Darian Williams Bluebell Cottage Grange Road Tillingham
- Diane Mallett 69 South Street Tillingham CM0 7TH

- Bernice Moore Mullingers Tillingham Road Asheldham
- Michael Moore Mullingers Tillingham Road Asheldham
- Mrs Hickey - Short 78 South Street Tillingham Southminster
- Claire & Paul Copsey 90 South Street Tillingham Southminster
- Anthony Mallett 69 South Street Tillingham CM0 7TH
- Way John 2 Mill Close Tillingham Southminster
- Susan Hill 5 Bakery Close Tillingham Southminster
- Mr W A Crowhurst 16 Marsh Road Tillingham Essex
- Mr M H Johnson 3 Bakery Close Tillingham Essex
- Ms E Lodge Northbrook Brook Road Tillingham
- Mr G A G Crowther Northbrook Brook Road Tillingham
- Emily Ann Robinson High House Farm Tillingham Road Asheldham
- M S Bays High House Farm Tillingham Road Asheldham
- M Robinson High House Farm Tillingham Road Asheldham
- J K Robinson High House Farm Tillingham Road Asheldham
- Mrs Frances Eaton Pabena South Street Tillingham
- Mrs Susan Way 2 Mill Close Tillingham Essex
- James Jarman 30 Marsh Road Tillingham Essex
- Mrs SC Graves 54 Cross Road Maldon Essex
- Mr Nigel Parr 18 Southminster Road Tillingham Southminster
- T W Webber 10 Marlborough Avenue Tillingham Essex
- Mrs L Pocklington 45 St Nicholas Road Tillingham Essex
- Rog Warner Manor Fields Manor Road Dengie
- Margaret Bedding 3 Hillside Road Southminster Essex
- Lawrence Smart 3 Kemp Cottages Marsh Road Tillingham
- Leigh Baker 57 South Street Tillingham Essex
- Michael Gould 6 Southfields Tillingham Essex
- B L Webber 10 Marlborough Avenue Tillingham Essex
- Mr G Pocklington 45 St Nicholas Road Tillingham Essex
- Sue Warner Manor Fields Manor Road Dengie
- Tony & Tina Buckley 3 Southfields Tillingham Essex
- Ms & Mrs Hammond 92 South Street Tillingham Essex
- George Atkins 97 South Street Tillingham Southminster
- Mr Andrew Snowden Burdons Manor Road Dengie Southminster
- Mr Patrick Thornton Clifton 1 Vicarage Lane Tillingham
- David & Christine Bragg 3 Marlborough Avenue Tillingham Essex
- R E Campion 9 Ramblers Way Burnham-On-Crouch Essex
- Abbie Lodge Foxleigh Foxhall Road Steeple
- Miss K L Baker 18 Marsh Road Tillingham Essex
- Mrs D Martin 5 Tile Corner Cottages Marsh Road Tillingham
- H J Morris 6 Kemp Cottages Marsh Road Tillingham
- Rebecca Keane 11 South Street Tillingham Essex

- S Fenn 15 Kings Farm Meadow Tillingham Essex
- Chris Raines 12 Marlborough Avenue Tillingham Essex
- E A Cummins 33 Kings Farm Meadow Tillingham Essex
- M T Littlechild 27 South Street Tillingham Essex
- Nicole Leeder 37 Kings Farm Meadow Tillingham Essex
- Vikki Gunner 20 Marsh Road Tillingham Essex
- Les Williams 21 Hoover Drive Basildon Essex
- Richard Hawkins 10 Birch Road Tillingham Essex
- The Occupier 3 Tile Corner Cottages Marsh Road Tillingham
- I R Burton C/O Fox And Hounds Public House 12 The Square Tillingham
- C Thorp 1 Packards Farm Cottages Mark Road Tillingham
- Heather Tebbett The Quaich Lakes Lane Witley
- Mr N M Turner 18 Marsh Road Tillingham Essex
- Claire Saich Foxleigh Foxhall Road Steeple
- James Lodge Foxleigh Foxhall Road Steeple
- Hayley Cooch 6 South Street Tillingham Essex
- Emma-Louise Thomas 10 Birch Road Tillingham Essex
- V S Williams 21 Hoover Drive Laindon West Essex
- Kevin Gunner 20 Marsh Road Tillingham Essex
- D A Saward 40 South Street Tillingham Essex
- Gillian Marr 37 Kings Farm Meadow Tillingham Essex
- Mrs G Littlechild 27 South Street Tillingham Essex
- C W P Cummins 33 Kings Farm Meadow Tillingham Essex
- The Occupier April Cottage 15 The Square Tillingham
- Sarah Raines 12 Marlborough Avenue Tillingham Essex
- C J Morris 6 Kemp Cottages Marsh Road Tillingham
- Steven Keane 11 South Street Tillingham Essex
- The Occupier Burdons Manor Road Dengie
- D Exley 15 Kings Farm Meadow Tillingham Essex
- Mr P Cooper Bridgemans Marsh Road Tillingham
- Mr P Martin 5 Tile Corner Cottages Marsh Road Tillingham

Objection Comment	Officer Response
<ul style="list-style-type: none"> • More weight should now be given to the LDP 	Section 5.2 of the report
<ul style="list-style-type: none"> • The village does not need affordable housing 	Section 5.3 of the report
<ul style="list-style-type: none"> • Localised flooding / surface water drainage issues 	Section 5.9 of the report
<ul style="list-style-type: none"> • No demand for houses as property sales have been slow 	Section 5.3 of the report
<ul style="list-style-type: none"> • Harm to the Tillingham Village Conservation Area 	Section 5.9.8 of the report
<ul style="list-style-type: none"> • Loss of agricultural land 	Section 5.4 of the report

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Lack of services in Tillingham village 	Section 5.2.6 of the report
<ul style="list-style-type: none"> • Limited public transport 	Section 5.2.6 and 5.2.7 of the report
<ul style="list-style-type: none"> • No employment opportunities in Tillingham village 	Section 5.2.7 of the report
<ul style="list-style-type: none"> • Highway safety • More on-street parking • Additional cars on the road means more traffic and pollution 	Section 5.6 of the report
<ul style="list-style-type: none"> • Impact on local primary school 	Section 5.9.6 of the report
<ul style="list-style-type: none"> • Impact on Doctors Surgery 	Section 5.9.7 of the report

8. **REASONS FOR REFUSAL**

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Tillingham where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development would be an unwelcome visual intrusion into the open and undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. Further the development would represent an inappropriate form of ribbon development which would seriously damage the current open vista of the site resulting in demonstrable harm to the predominantly rural character of this site and its immediate surroundings. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan, the Maldon District Design Guide, and the core planning principles and guidance contained in The National Planning Policy Framework.
- 2 The proposal would result in a housing mix which would fail to accord with the Strategic Housing Market Assessment (SHMA). As such, the proposal would fail to provide a sustainable, mixed community as contained within policies S1 and H2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 3 In the absence of a signed legal agreement, the development makes no contribution for affordable housing which would be required with respect to meeting the Council's affordable housing and social infrastructure requirements. As such the proposal is considered to be contrary to policies H1 and I1 of the

Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.