



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
24 MAY 2023**

Application Number	22/00639/FUL
Location	62 New Road, Tollesbury
Proposal	Proposed development of 17, 1, 2, and 3 bedroom dwellings including access, landscaping and associated works
Applicant	Mr Adam McLatchie – Front Architecture
Agent	Mr Mike Bradburn – Saltmarsh Developments
Target Decision Date	25.05.2023
Case Officer	Devan Hearnah
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Major Application

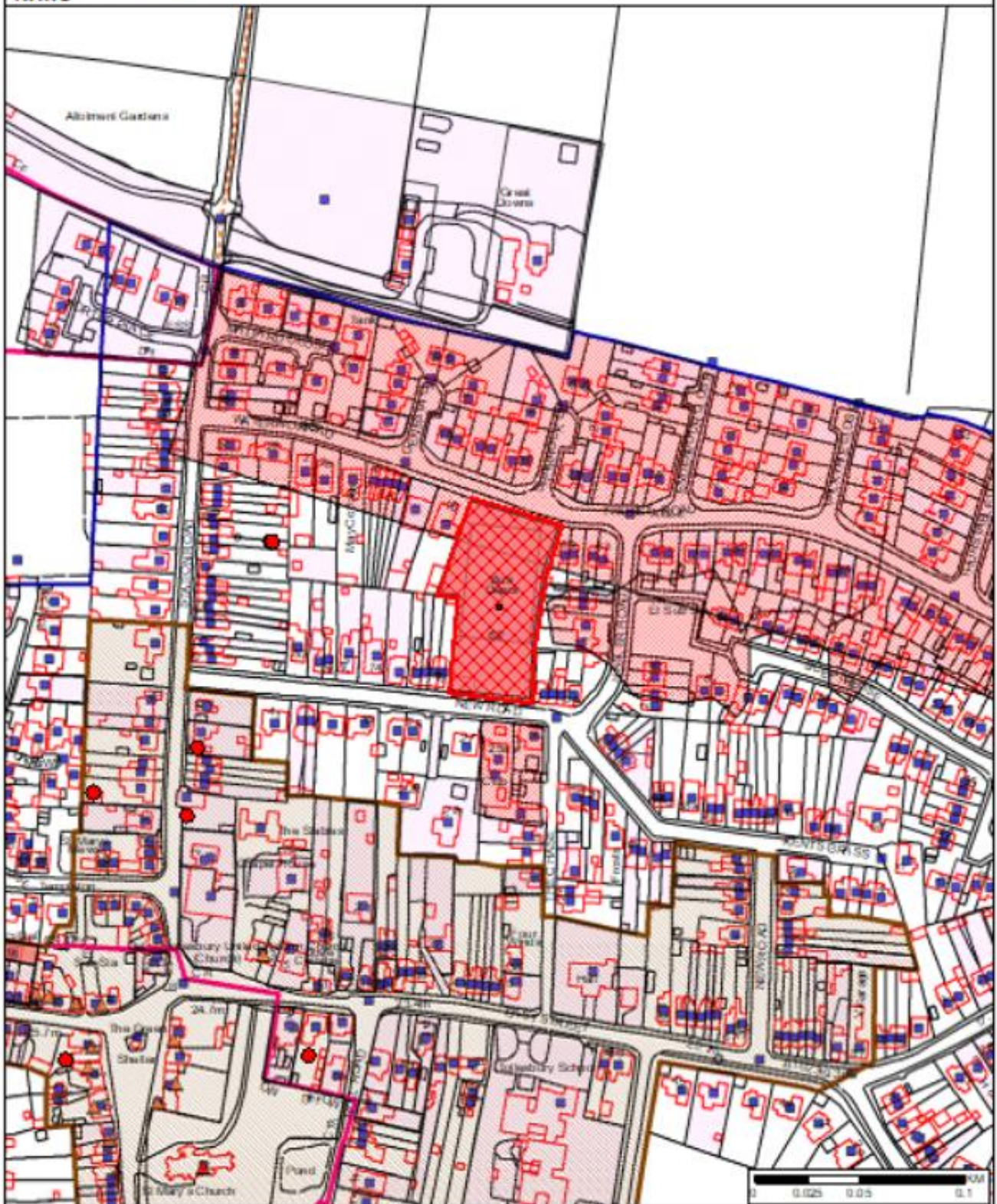
1. RECOMMENDATION

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 below.

22/00639/OUTM
NWAC



Copyright

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



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	30/03/2023
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located to the north of New Road and to the south of Thurstable Road. The site previously comprised a large building which was formerly used for the stationing of buses and is now vacant. Within the south west of the site sat a single-storey office building. However, it should be noted all of the buildings within the site have now been demolished and the site is vacant. Vehicular and pedestrian access to the site is via New Road.
- 3.1.2 The site gradient gently slopes from a west to east direction on the northern part of the site fronting onto Thurstable Road. The site is relatively flat on the southern part of the site fronting onto New Road.
- 3.1.3 Previously the application site was enclosed by palisade fencing and chain link fencing on the northern and southern boundary of the site. Domestic garden fencing was found to the eastern and western boundary of the site. A variety of style, design, scale, height, bulk of residential properties surrounds the application site.

Proposal

- 3.1.4 Full planning permission is sought for seventeen residential properties which includes a mix of apartments, semi/link-detached and detached two storey dwellings. The properties would consist of a mix of one, two and three-bedrooms. The flatted development (Plots 5-12) would be provided within the centre of the site fronting an access road from New Road that would run south to north. Plots 1-4 are proposed as linked semi-detached properties fronting New Road to the south and plots 13-17 a mix of detached and semi-detached dwellings would front Thurstable Road to the north.
- 3.1.5 For ease of reference the accommodation proposed is presented in the table below:

Reference/Plot	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Private Amenity Space	Car Parking Spaces
Fronting New Road							
Plot 1	2B 3P	28.7m (semi/link attached)	7.9m	5m	8.3m	58m ²	2
Plot 2	2B 3P		7.9m	5m	8.3m	61m ²	2
Plot 3	3B 4P		7.9m	5m	8.3m	91m ²	2
Plot 4	3B 4P		7.9m	5m	8.3m	103m ²	2
Apartment Block							
Plot 5	3B 4P	58.6m	12.8m	5.1m	7.9m	22m ² + 488m ² shared space	2
Plot 6	1B 2P					17m ² + 488m ² shared space	2
Plot 7	2B 3P					488m ² of	2

Reference/Plot	Bedrooms	Width	Depth	Eaves Height	Ridge Height	Private Amenity Space	Car Parking Spaces
Fronting New Road							
						shared space	
Plot 8	2B 3P					488m ² of shared space	2
Plot 9	1B 2P					17m ² + 488m ² shared space	1
Plot 10	3B 4P					22m ² + 488m ² shared space	1
Plot 11	2B 3P					488m ² shared space	2
Plot 12	2B 3P					488m ² of shared space	2
Fronting Thurstable Road							2
Plot 13	3B 5P	10.1m (semi-detached)	10.1m	4.9m	7.9m	101m ²	2
Plot 14	3B 5P		10.1m	4.9m	7.9m	97m ²	2
Plot 15	3B 5P		10.1m	4.9m	7.9m	97m ²	2
Plot 16	3B 5P		10.1m	4.9m	7.9m	97m ²	2
Plot 17	3B 5P	5.6m	10.1m	4.9m	7.9m	112m ²	2

3.1.6 Plots 1-4 feature two pairs of semi-detached dwellings with pitched roofs to the front, adjoined by a first-floor link above a car port area. The dwellings feature a traditional design, shown with a well-ordered fenestration pattern and a mix of white render and buff brick surfaces. The link section is set back approximately 2m from the principal elevation and is set at a height which is 1m lower than the main ridge height. Plot 1 features a bay window on its western side, whilst the southern end Plot 4 features a hipped roof side projection which mirrors the heights and depth of the link attachment between the pairs of properties. To the rear the dwellings feature gable roofs with a single stored flat roof projection to plots 3 and 4.

3.1.7 The bulk of the apartment block containing Plots 5-12 would feature a hipped roof running north to south. At either end of the building would be a gable roof projection running east to west and there would be two gable elements to the front of the building. There would be flat roof storm porches above the access doors on the main elevation. The rear would feature the two gable projections at the end of the building, with car ports extending from their side elevations, with the main bulk of the first floor being set back. There would be a flat roof projection at ground floor. The building would have long line windows set in a consistent pattern. The rear would also feature four Juliet balconies and bifold doors. The materials would feature grey roof tiles with buff brick and rendered walls.

- 3.1.8 Plots 13 and 14 would be a semi-detached pair. Plot 13 would feature a gable roof running front to back whereas plot 14 would have a gable end on its western end. Both dwellings would feature flat roof storm porches, with the one serving plot 13 extending above the bay window. The front of plot 14 would be set back by approximately 0.3m from the principal elevation of Plot 13. Plot 13 would be finished in brick at ground floor with weatherboard at first floor. Plot 14 would have a white rendered finish. The roof would feature grey roof tiles with a false chimney on the roof of Plot 14.
- 3.1.9 Plots 15 and 16 are a semi-detached pair with a symmetrical design featuring a consistent fenestration pattern and flat roof storm porch. The dwellings will have a gable roof with a decorative chimney and would be finished in render.
- 3.1.10 Plot 17 would be the only detached dwelling on site. It would have a gable roof running front to back, with cladding at first floor and brick at ground floor. There would be a bay window to the front with a flat roof storm porch projecting from the roof of the bay. The fenestration would be set in a fairly consistent pattern.
- 3.1.11 Within the centre of the site along the western boundary would be two car ports providing parking for plots 5-8 and a bin and cycle store. Between the two buildings would be an area of soft landscaping and parking areas to the front. The car port would measure 9.1m in width, 5.5m in depth and 4.7m in height. The carport, bin and cycle store would measure 8.9m in width, and 5.5m in depth with a height of 4.7m. Access to the bin and cycle store would be taken from the southern side of the building.
- 3.1.12 Visitor parking would be provided to the southeast of the carports along the western boundary fence. There would also be soft landscaping either side of the proposed estate road and the front of the dwellings.

Relevant Background Information

- 3.1.13 As set out in section 6 of this report application 17/00620/FUL was determined in 2017 and was for the demolition of all structures within the site and the development of 10 dwellings along with associated works. However, even though some works have commenced on the site, largely in the form of demolishing the existing buildings, there were pre-commencement conditions contained within the 2017 permission (17/00620/FUL) that were never discharged. The pre-commencement conditions relate to matters such as materials, boundary treatments, a construction method statement, boundary treatments, contamination, drainage and super-fast broadband. Given that some of these matters, particularly in relation to contamination, drainage and the construction management plan go to the heart of the permission it is essential that these matters were dealt with prior to the commencement of works on site. Therefore, the commencement of the development on the site is considered to have been unlawful and as the 2017 permission expired on 31.10.2020, the previous permission (17/00620/FUL) does not provide a fall-back position in relation to this application. This is consistent with the stance taken by the Local Planning Authority (LPA) in the determination of application 21/00343/FUL, determined on 11 November 2021.
- 3.1.14 This application follows the refusal of application 21/00343/FUL which was for the development of nine, two, three, and four-bedroom houses including access, landscaping and associated works. The application was refused for six reasons, those being:

1. *'Due to the number of units, the disproportionate size of the proposed dwellings, the lack of affordable housing and the level of public and private amenity space proposed the Council is not satisfied that the proposal would represent an efficient and effective use of land, contrary to Policy H4 of the adopted Maldon District Local Development Plan and paragraphs 119 and 125 of the National Planning Policy Framework. The proposal has not utilised all of the developable land in the most efficient and effective way, which would not amount to sustainable development that adequately contributes towards the development needs for the District. The development is therefore unacceptable and contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.*
2. *The proposed development would fail to provide a housing mix that meets the District's need for two and three-bedroom dwellings. Therefore, the development would not provide a suitable mix and range of housing to support the creation of a mixed and balanced community contrary to policy H2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.*
3. *The proposed development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2021).*
4. *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.*
5. *The proposed development would fail to provide adequate on-site parking provision. The proposal would therefore be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the Maldon District Local Development Plan.*
6. *It has not been demonstrated that the proposed development can suitably manage and deal with surface water runoff at the site without increasing flood risk elsewhere. Therefore, the proposal is contrary to policies S1 and D2 of the Maldon District Local Development Plan and guidance contained within the NPPF.'*

3.1.15 The main difference between this application and the previously refused application is the increase in unit numbers from nine to seventeen and the addition of apartments within the centre of the site, opposed to dwellings. The change in the proposed number of houses also has resulted in changes to the design of the scheme. However, the overall layout remains similar to what was considered previously, with properties fronting New Road, Thurstable Road and an internal access road running south to north. The previously proposed public open space has been replaced with a bicycle store, bin store, car ports and parking spaces.

3.2 Conclusion

3.2.1 The proposed development would represent a new residential development within the development boundary of Tollesbury where there is no objection in principle to such development. Whilst the development would not be wholly in accordance with the Local Housing Needs Assessment in terms of housing mix and not provide affordable housing, Officers are satisfied that the proposal has overcome the previous concerns and now represents an effective use of land. Furthermore, the

development would make use of Previously Developed Land and would contribute to the Five-Year Housing Land Supply (5YHLS). The development is also considered acceptable in design terms and would not impact on neighbouring amenity subject to conditions. Therefore, in weighing the benefits against the harm, subject to appropriate conditions, the proposed development would bring greater community benefits than its existing use by way of contributing additional smaller units and a choice of tenures, widening opportunities for home ownership, creating sustainable, inclusive mixed communities in accordance to the principal aims of the National Planning Policy Framework (NPPF) as well as Policies S1, S8, D1, H4 and T2 contained within the Maldon District Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 54-58 Planning conditions and obligations
- 74-77 Maintaining supply and delivery
- 78-80 Rural Housing
- 84-85 Supporting a prosperous rural economy
- 92-103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152-169 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The Local Planning Authority (LPA) for the Maldon District is expected to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.” To this end, Maldon District Council (MDC) prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March.

5.1.3 Work is being carried out by the Council in reviewing the suitability of the 5 Year Housing Land Supply (5YHLS) methodology through its 5YHLS Working Group established in August 2022. It has yet to conclude its work and present its recommendations to Council. The methodology used for calculating the housing land supply is therefore the same as in 2021/2022. The last published position was 3.66 years in April 2022. On 30 March 2023, an Officer statement was delivered to Council advising that the 5YHLS, as of 30 March 2023, calculated using the same methodology as 2021/2022 stood at 5.1 years; an increase of 1.44 years. The statement to Council was caveated that this updated supply was still subject to further checks and verification activities, which could mean it increases or decreases by the time it is presented to Council for approval in line with the Council decision on 23 February 2023 that the annual land supply statement must now be reviewed and agreed by Council prior to publication.

5.1.4 Where an LPA is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘Tilted Balance’. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.1.5 Footnote 8 - 8 This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)
- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those LDP policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.7 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.8 On the basis of the above, the Council’s official 5YHLS figure stands at 3.66 years and therefore, having regard to the annually published figure, the Council cannot currently demonstrate a 5YHLS. However, the information in paragraph 5.1.3 reflects that the Council has clearly adopted a more proactive approach to housing by approving housing developments both outside the settlement boundaries and on the Strategic sites where they can be deemed sustainable. The likelihood of the forthcoming published 5YHLS figure deviating significantly from the five-year mark is considered unlikely given that the figures were last calculated one day prior to the end of the monitoring period. Therefore, whilst the titled balance still applies, it is reasonable to determine that it is now more level than it was previously. Therefore, whilst the Council acknowledges the importance of delivering homes for the residents of the District through a positive approach to decision making and note that the 5YHLS is not a ceiling for approving housing development, this increase in supply allows the Council to be less constrained in its consideration of the most sustainable developments and of those that carry the greatest benefits to ensure that developments are sustainable for the District.
- 5.1.9 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in contributing towards and maintaining a healthy and consistent 5YHLS, particularly in light of the current official shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the LDP.
- 5.1.10 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current LDP. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable

development does not change the statutory status of the development plan as the starting point for decision making. However, given the balanced nature of the five-year housing land position at this point in time, together with the published five year housing land figure as being less than five years supply of deliverable housing, sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF. The LPA is, however, obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.11 Paragraph 78 of the NPPF states that:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

5.1.12 The application site lies within the defined settlement boundary of Tollesbury as identified in the LDP. As such it is considered that Policy S8 of the LDP would be applicable to this case. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape.

5.1.13 The application site is centrally located within Tollesbury and is surrounded by existing residential properties. Tollesbury contains a range of facilities that are within walking distance and there are public transport services available. Taking into account the number of dwellings proposed and the generally good level of accessibility of the site to services, facilities and sources of employment, it is considered the principle of a residential development at this site is acceptable in accordance with Policy S8 of the LDP.

5.1.14 Policy E1 of the LDP states that "Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if "1) *The present use and activity on site significantly harms the character and amenity of the adjacent area;* or 2) *The site would have a greater benefit to the local community if an alternative use were permitted;* or 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*"

5.1.15 Although the previous permission (17/00620/FUL) at the site has expired, planning history still forms a material planning consideration in the determination of an application. As part of that application, it was considered that the site did not host any employees as the building was always used as a bus depot. Furthermore, it was considered that although the site was not untidy, or the building unattractive, the bulk, scale, siting of the building was not compatible with the pattern of development in the area and did not contribute positively to the residential character of the surrounding area. Therefore, it was considered that the proposed use for residential development would be of greater benefit to the local community and the character of the area than the existing use and the previous buildings at the site. The loss of land that was formerly used for employment purposes was therefore considered to be in accordance with Policy E1 of the LDP.

5.1.16 Whilst it is noted that the existing buildings within the site have been demolished, it is not considered reasonable to reach a different conclusion in relation to the loss of employment to that which was reached as part of the previous applications. Furthermore, the Council is now in a position where they cannot demonstrate a 5YHLS and therefore the public benefits of a residential scheme are now greater than they were under the previous application. Therefore, there is no objection in relation to the loss of employment. This stance was also taken in the determination of the previous 2021 application.

5.1.17 Notwithstanding the above, an objection was raised to the previous application on the basis that the proposal was not making an effective use of land. The NPPF seeks to promote an effective use of land in meeting the need for homes and other uses (para. 119). Paragraph 125 of the NPPF seeks to avoid homes being built at low densities and looks to ensure that developments make optimal use of the potential of each site. Further to this, Policy H4 of the LDP states that 'To promote sustainable development and contribute towards the development needs for the District, it is essential for development proposals to utilise developable land in the most efficient and effective manner whilst having regard to the quality of the local environment.' The policy then goes on to state that 'infill housing could make the most effective use of land and contribute positively towards local character.'

5.1.18 As per Policy H4, infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Infill development will be permitted if all the following criteria are met:

- 1) *There is a significant under-use of land and development would make more effective use of it;*
- 2) *There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
- 3) *There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
- 4) *The proposal will not involve the loss of any important landscape, heritage features or ecology interests.'*

5.1.19 In relation to the first criterion, it is noted that the site is currently vacant and no longer functions as a bus depot. However, concerns were previously raised over the size of the two- and three-bedroom properties, which were not proportionate sizes for the dwelling types proposed. They were found to be more akin to three- and four-bedroom properties and could have functioned as such. Given the Council's inability to demonstrate a 5YHLS, it was even more essential to ensure the optimum use of the site. Therefore, the application was in part refused on the basis of a conflict of criteria 1 of Policy H4.

5.1.20 The dwelling mix proposed by the Applicant is two one-bedroom, six two-bedroom and nine three-bedroom properties and the properties are now more proportionate in size to the bedroom numbers proposed. The increase in the number of units, therefore, creates a more effective use of the land as a result of the increase in the density. Although the increase has resulted in the loss of open space provision, a development of this size would not be expected to provide an area of public open space and each property would be served by sufficient outdoor private amenity space. Therefore, a more efficient use of land would be made through more appropriately sized areas of public and private amenity space. Furthermore, the development makes suitable use of Previously Developed Land. For these reasons the previous objection on this matter has been overcome.

5.1.21 In relation to criteria 2 the amenities of neighbouring occupiers are assessed further below. In relation to criteria 3 and 4 the land is not of local social, economic, or historic significance, and it does not involve any important heritage features. However, the impact of the proposed development upon landscaping features and ecology is assessed further below.

5.2 Housing Mix

5.2.1 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

5.2.2 As stated, the proposed dwelling mix is two one-bedroom (12%), six two-bedroom (35%) and nine three-bedroom properties (53%). These percentages are slightly above the requirements set out in the LHNA for one and three beds, which sets out that developments should provide up to 10% of the units as 1-beds, 25%-35% as 2-beds and 40-50% as 3-beds. However, the oversupply would be minimal, and the proposal would provide a good mix of dwellings, particularly in relation to the Council's need for two and three-bedroom properties. Therefore, in terms of bedroom numbers alone, the proposal would support the provision of mixed and balanced communities as required by the NPPF. Matters relating to affordable housing will be discussed below.

5.3 Affordable Housing

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 Northern Rural and the development exceeds 1,000sqm of floorspace at 1,029m², as the internal storage areas are also included within the floor area calculation. Therefore, the requirement towards affordable housing has been set at 40% of the total amount of housing provided.

5.3.2 Any relaxation in the abovementioned requirement will only be considered where the Council is satisfied, on a site-by-site basis, that such requirement will render any development proposals unviable. Affordable housing should be provided on-site, the contribution from developers should comprise of free serviced land to provide the number, size, type and tenure of affordable homes required by the Council's policies in accordance with the Strategic Housing Market Assessment (SHMA), the Council's adopted Maldon District Affordable Housing and Viability Supplementary Planning Document (SPD) 2018 and relevant housing strategies of the Council. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site. The development of any affordable housing and the calculation of any financial contributions should be in conformity with the details set out in the Maldon District Strategic Housing SPD.

- 5.3.3 The application has been supported by a Financial Viability Assessment (July 2022) (FVA), which concluded that the site would not be viable if any affordable housing contribution was made. Therefore, the scheme proposes no affordable housing.
- 5.3.4 The FVA was reviewed by an independent consultant who found that the scheme would represent an overall assumed profit which is not excessive, particularly given the current economic climate. It was therefore found on balance that the submitted position could be accepted and that the scheme as presented would not support a contribution for affordable housing. On this basis it is therefore accepted that the proposed development would not be viable for affordable housing.
- 5.3.5 On the basis of the above, it is necessary to consider the planning balance of this proposal; this application does not comply with the Council's policy (H1) for affordable housing. The Council's current official 5YHLS position stands at 3.66 years and as such there is a demand for the development. Furthermore, it has been found that the housing mix would largely be in accordance with the District's need for smaller housing units. Therefore, whilst the shortfall in affordable housing does weigh against the application, there is a pressing need to allow the development of the site given the five-year housing land supply position. Furthermore, the proposal would make an effective use of land and would make efficient use of Previously Developed Land. Therefore, on this basis it would not be reasonable to object on a lack of affordable housing alone.

5.4 Design and Impact on the Character of the Area

- 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 local design standards, 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.4.6 Tollesbury village has a great diversity of different residential building types which includes a variety in design features such as dormer windows, roof heights and pitches, as well as varied use of external materials.
- 5.4.7 As previously stated, the layout of the proposed scheme does not differ substantially in relation to the previously refused scheme and the Council did not raise an objection to the design or layout of the previous proposal. The main differences between this and the previous proposal is that there is one more dwelling fronting Thurstable Road, the centre of the site would consist of apartments and there would be four semi/link attached dwellings on New Road opposed to two dwellings. There are also carports and a parking area proposed on the western boundary where public open space was previously proposed.
- 5.4.8 In terms of design and appearance, it was found as part of the previous application, that the proposed dwellings would be of a more modern design than neighbouring properties but of heights, scale and bulk that respect the character of other properties within the area and there are traditional details which reflect the character of the area. Although the design of the properties has changed to a degree, the previous findings are still applicable to the current scheme.
- 5.4.9 The dwellings proposed on New Road are now more in keeping with the existing streetscene than what was previously proposed as they are more akin to the design and scale of the dwellings to the west. Furthermore, the eastern projection on the most easterly dwelling follows the visual cues of the hipped roof form on the neighbouring terrace. Therefore, the dwellings would be sympathetic to the surrounding streetscene.
- 5.4.10 In respect of the properties fronting Thurstable road, it is noted, that both detached and semi-detached properties are characteristic of the streetscene. The detached dwelling at Plot 17 appears as a smaller scale and bulk than the other two semi-detached pairs proposed, which provides a visual transition to the neighbouring bungalows as the dwelling would be more reflective of their bulk than a semi-detached pair. The dwellings have also been designed in a way to reflect the design of the neighbouring properties taking visual cues from the fenestration pattern and roof styles.
- 5.4.11 The apartment block would be visible between the dwellings on Thurstable Road, and plots 2 and 3 fronting New Road. However, the main bulk of the block would be set at least 30m from New Road and Thurstable Road and would therefore, not

appear as a significant bulk of development. Furthermore, as the development would only be visible between the dwellings it would not have a dominating or demonstrably harmful impact on the character and appearance of the surrounding area.

- 5.4.12 The layout of the development is less spacious than the previous scheme. However, the houses proposed to front Thurstable Road have been set back from the pavement with a large front garden and large driveway, which is reflective of the surrounding character. In contrast the dwellings fronting New Road are set closer to the highway edge to be in keeping with the existing pattern of development. Therefore, with regard to the plot sizes and the density of development, it is considered that the proposal would not appear out of keeping with the prevailing pattern of development in the locality. In terms of the layout of the proposed development, it is noted that the site was previously occupied by a large, dominating building which was different, out of scale and disproportionate when viewed in context with existing residential properties surrounding the site. The replacement of this building with residential dwellings would be beneficial to the site and surroundings as the development would improve and enhance the character and appearance of the area.
- 5.4.13 Overall, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1 and H4 of the LDP.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 Based on the plans submitted, the dwellings have been orientated to minimise the possibility of overlooking neighbouring properties whilst providing safe direct access from the street itself for both pedestrians and vehicles. The back-to-back distance of 25 metres within the site meets policy requirements contained within policy D1 of the LDP and guidance contained within the MDDG (2017).
- 5.5.3 It is noted that there are first floor windows in the side elevation of Plot 1 which face the side of No. 64 New Road. However, given the separation distance of 12.6m, that the windows would serve non-habitable rooms and that there are no first-floor windows in the side elevation of No. 64 New Road, there are no concerns in regard to overlooking into this property. Furthermore, the apartment block would be located a minimum of 12.5m from the shared boundary with No. 64 New Road and 23.5m from No. 16 Thurstable Road. Given the separation distances, that the apartments would be sited to the far end of the extensive neighbouring amenity spaces and the car port and bin stores would intervene, these properties will not have an overbearing impact or result in overlooking into the neighbouring properties. Likewise, a back to side distance of over 16m with the dwellings fronting Thurstable Road is achieved and a back-to-back distance in excess of 25m would be maintained between the apartments and the dwellings fronting Hasler Road.
- 5.5.4 Plot 4 would not extend beyond the rear of the dwelling to the east and there would be no windows proposed in this side elevation. Therefore, no objection is raised in this respect.

- 5.5.5 There is a first-floor window proposed in the eastern elevation of Plot 17. However, this would serve an en-suite and therefore, would be obscured glazed, which would be secured by a condition. The same applies to the first-floor windows in the side elevations of Plots 13-16.
- 5.5.6 Numbers 16 and 69 Thurstable Road both have side extensions that project beyond the rear of the proposed dwellings at Plots 13 and 17. However, given the single storey nature of those projections they will not cause an overbearing impact on the future occupiers of the site.
- 5.5.7 The bin and cycle store as well as a car port will be sited on the boundary of No.16 Thurstable Road. However, the structures would have an eaves height of 2.4m with the bulk of the roof extending away from the boundary to the highest point of 4.7m. Given this, the outbuildings would not have an overbearing or overshadowing impact on the neighbouring amenity space.
- 5.5.8 Consideration has been had to the letters of objection that have been received, raising concern over noise and odour impacts as a result of the siting of the bin store and car ports. However, given the limited number of cars that would be using the access road there would not be significantly harmful noise impacts. Furthermore, the bin store will be emptied on a regular basis and a waste management plan would be secured by way of a condition. Therefore, it would not be reasonable to object to the application on these grounds.
- 5.5.9 The above also applies to the siting of the car parking spaces and car ports serving Plots 1, 2, 11 and 12 and the impacts that would be had on the adjacent amenity space areas.
- 5.5.10 Having regard to the above assessment, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, nor would it create unacceptable levels of noise or odour in accordance with the stipulations of D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 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 is 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 As previously stated, the application would provide for one-, two- and three-bedroom properties. The one-bedroom properties would require one parking space, whilst the two- and three-bedroom properties would require two spaces. There is also a requirement for one vehicle charging point per residential property and one cycle space for every one bed property and two for every two or more-bedroom property, unless the dwelling benefits from a garage.
- 5.6.4 Plots 9 and 10 would benefit from one car parking space, whereas all other plots would benefit from 2 parking spaces. Whilst Plot 10 is a three-bedroom property and therefore, requires two spaces, it is noted that Plot 6 a one-bedroom property benefits from two spaces whereas only one is required. Therefore, as there is a sufficient number of parking spaces across the site to serve the dwellings, subject to a condition ensuring that each dwelling has the appropriate number of parking spaces, no objection is raised. Furthermore, a condition could be imposed securing at least one vehicle charging point per dwelling.
- 5.6.5 In terms of visitor parking, there are two spaces proposed along the access road, which would provide adequate visitor parking for those visiting the flats. In terms of the dwellings fronting New Road and Thurstable Road, no visitor parking would be provided. However, the dwellings should be read in the context of the streetscene they sit in, and it would not be appropriate to provide visitor parking bays in this location as they would create an unacceptable visual appearance. Furthermore, whilst on street parking is not encouraged it is noted that it is commonplace within the surrounding area and there are no restrictions on either New Road or Thurstable Road. Therefore, it is possible for any visitors to park on the Public Highway. Whilst the shortfall in visitor parking weighs against the development, taking a pragmatic stance in respect of the size of the development and the minimal amount of visitor traffic likely to be generated by visitors, it is not considered that this matter would warrant the refusal of the application. It is noted that an objection was raised to on street parking as part of the previous application. However, this was applicable to the parking for one dwelling and not visitor parking. Therefore, the on-street parking would have occurred a lot more frequently.
- 5.6.6 The proposal includes a cycle store that would provide adequate provision for cycle storage for the proposed flats. A condition could be imposed to ensure that suitable cycle provision is provided in the gardens of the proposed dwellings.
- 5.6.7 Plots 3 and 4 fronting New Road and the dwellings proposed to front Thurstable Road would be served by individual drop kerbs taking from those roads, which is considered acceptable to both the LPA and Local Highways Authority.
- 5.6.8 The apartments and parking area serving Plots 1 and 2 would be sited off a private access road, which follow discussions with the Local Highways Authority includes a type 3 turning ahead to ensure the road is sufficient and safe for the number of properties it would serve. Therefore, there is no objection in terms of access.
- 5.6.9 The public representations received raise concerns over the increase in traffic that would be caused by the development. However, given the limited number of dwellings proposed the development would not have a material impact on the local highway network in terms of vehicle movements.

5.7 Private Amenity Space

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.7.2 Paragraph 3.1.5 above sets out the level of amenity space provision to be provided at each dwelling. Plots 1, 2, 4, 13 and 17 would all be provided with an over provision of amenity space. The flats would each benefit from a generous area of shared amenity space to the rear of the block. The shared amenity space would be well in excess of the 25m requirement and Plots 5, 6, 9 and 10 would each benefit from their own private amenity area, which is particularly beneficial to Plots 5 and 10 which are three bed units and are therefore likely to be occupied by families.
- 5.7.3 The amenity space provision proposed for Plots 14, 15 and 16 would each fall 3m² below of the required 100m² of private amenity space. The amenity space serving Plot 3 would be 9m² below the requirement. However, the shortfall in amenity space is di minimis in respect of Plots 14, 15 and 16. The under provision at Plot 3 is slightly greater. However, it still would not be at a level that would prevent a family from using the space, particularly given that the garden is of a regular shape with the potential for all areas of the garden to be optimised for use. For these reasons, it would be unreasonable to object to the application as a result of the amenity space provision, as the under provision would not result in material harm to the living conditions of the future occupiers.

5.8 Green Infrastructure and Landscaping

- 5.8.1 Policy D2 of the LDP requires green infrastructure to be incorporated into developments as a way of adapting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised.
- 5.8.2 Policy N1 of the LDP encourages the enhancement of the green infrastructure network, identifying that “The requirement for new green infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development”.
- 5.8.3 The previous proposal included a landscaped public amenity area, which is not included as part of this proposal. However, as part of the previous application it was deemed that on the basis of the dwelling numbers the provision of amenity space would not be necessary to make the development acceptable. Therefore, the loss of the public open space results in a more effective use of land.
- 5.8.4 In terms of the overall landscaping, it is noted that each dwelling would feature a suitable soft landscaped frontage and large areas of hardstanding to the front of dwellings has been avoided. Furthermore, the access road would feature a grass verge with tree planting along its length. Therefore, if the application were to be approved then a condition securing details of the proposed planting and hard

surfacing would be sufficient in securing an appropriate provision of hard and soft landscaping.

5.9 Ecology and Biodiversity

- 5.9.1 The application site does not fall within or in close proximity to nature conservation sites. 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 The application has been supported by a Preliminary Ecological Appraisal (ACJ Ecology, March 2023) (PEA) and a Bat Assessment Update (TMA, 18.02.2021) which outlines the likely impacts of the development on designated sites, protected and Priority species and habitats, whilst also identifying mitigation measures. Following consultation with the Councils Ecological Consultant the mitigation measures identified in the PEA are acceptable and should be secured by way of a condition in order to conserve and enhance protected and Priority species, particularly nesting birds.
- 5.9.3 The submission also includes reasonable biodiversity enhancements. A Biodiversity Enhancement Strategy should be secured by a condition in order to secure net gains.

5.10 Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.10.1 Natural England (NE) has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (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 NE anticipate that, in the context of the LPA’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 sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (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 NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.4 The application site falls within the ‘Zol’ 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, NE does not provide bespoke advice. However, NE's general advice is that a 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 NE's requirements, an Essex Coast RAMS 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 (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes -
The planning application relates to seventeen dwellings

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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.

5.10.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.

5.10.8 The Essex Coastal RAMS SPD is now post consultation and constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. However due to indexation this figure is now £156.76. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £2,664.92 is necessary. The Supporting Statement acknowledges that the Applicant is willing to provide the necessary RAMS contribution. Therefore, subject to a signed S106 the development would be in accordance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

5.11 Other Material Considerations

Contamination

- 5.11.1 Policy D2 of the Approved Maldon District Local Development Plan states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy,
- 5.11.2 Given that the site represents Previously Developed Land and the length of time that it has functioned as a bus depot, it is possible that there may be contamination present at the site. The application has been supported by a Geo-Environmental Site Investigation Report (2781/Rpt 1v2 April 2022) and a Remediation Method Statement (2781/Rpt 2V2 April 2022). The Site Investigation Report identified some levels of contamination that could pose a risk to human health. However, section 9.2 of the report includes recommendations to mitigate against the above-mentioned harm which could be agreed by way of a condition. Therefore, if the application were to be approved conditions in relation to those points would be necessary.

Flood Risk and Drainage

- 5.11.3 The application has been supported by a Drainage Strategy (DBS 21-0021, Feb 2023). The Drainage Strategy was updated to address initial comments made by the Lead Local Flood Authority (LLFA) stating the strategy did not allow the LLFA to assess the flood risk development. Following the updates, the LLFA has removed their holding objection subject to conditions requiring a Surface Water Drainage Strategy and conditions relating to its maintenance and management. Therefore, there is no objection subject to these conditions.

Waste

- 5.11.4 Section C09 of the MDDG (2017) stipulates that the provision of waste management facilities within developments is fundamental to provide and maintain an attractive and healthy environment. To do so, sufficient space should be provided for storage of bins at a convenient place and access of collection vehicles has been considered.
- 5.11.5 The development includes suitable waste storage facilities for the apartments in the form of a bin store opposite the building. Therefore, no objection is raised in respect of waste storage.

External Lighting

- 5.11.6 The level of detail submitted in relation to waste collection is limited. However, it is considered that subject to a suitably worded condition seeking details of either a communal waste point or details demonstrating that the access road can accommodate a 26 tonne refuse vehicle, then adequate refuse provision could be provided for the future occupiers at locations that are convenient for both the occupiers and the collection vehicles, in accordance with the requirements of MDDG (2017).

5.11.7 Health

- 5.11.8 Policy I1 seeks to maintain and improve infrastructure provision in the District by ensuring that an appropriate level and type of infrastructure is provided for new developments where required to meet community and environmental needs. It

outlines that Developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Mitigation can be secured through a S106 agreement.

5.11.9 As the development would involve more than 10 dwellings the National Health Service (NHS) has been consulted on the application. In their response the NHS has stated that the development is likely to have an impact on the services of the surgery which operates within the vicinity of the application site. The General Practitioner (GP) practice does not have capacity for the additional growth resulting from the development and cumulative development in the area.

5.11.10 Health services within a 2km radius of the proposed development have an existing deficit of 126.5m² of floorspace. The proposed development would have an impact on healthcare provision within the area, where there is already a deficit of primary care facilities. Therefore, if left unmitigated the development would be unsustainable. As such a contribution of £8,100 is required in order to increase capacity for the benefit of the patients of the Primary Care Network operating in the vicinity of the site. This can be secured through a S106 agreement and the Applicant has confirmed their willingness to provide the necessary contribution in this way as part of the application. Therefore, subject to a signed S106 securing the financial contribution not objection is raised.

6. ANY RELEVANT SITE HISTORY

- **90/00304/FUL**- Renewal of temporary consent - siting of two Portakabins as temporary office accommodation to replace office at East Street Tollesbury. **Approved 14.11.1995**
- **97/00512/FUL** - Alterations to west elevation replacement of existing fuel tanks with 1 no. tank new fence and brick planter. **Approved 02.09.1997**
- **01/00200/FUL** - Proposed demolition of existing office building and erection of a single storey office building. **Approved 25.04.2001**
- **17/00620/FUL** - The demolition of all structures and the development of 10, 2 and 3 bedroom houses with landscaping and associated works including access to the site. **Approved 31.10.2017**
- **20/01220/FUL** - Variation of condition 21 to approved planning permission 17/00620/FUL (The demolition of all structures and the development of 10, 2 and 3 bedroom houses with landscaping and associated works including access to the site) Amendment sought: Variation of condition 21. **Withdrawn**
- **21/00343/FUL** - Proposed development of 9 No. 2, 3 and 4 bedroom houses including access, landscaping and associated works. **Refused 11.11.2021**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Support <ul style="list-style-type: none"> • Any S106 monies could go towards repairs on the Waterworks Road. • Climate mitigation should be put in place • Not in favour of lack of affordable housing 	<ul style="list-style-type: none"> • The development would not create an increase in road traffic to a degree that would warrant a financial contribution towards these works. • Given the scale of the development appropriate measures would include vehicle charging points which could be secured by way of a condition. • Addressed at section 5.3

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highways Authority	No objection subject to conditions requiring a Construction Management Plan, securing the delivering of the access arrangements, the reinstatement of the full height drop kerb and pavement, the delivery of the parking and turning areas, provision of a Residential Travel Information Pack and to ensure there is no use of unbound material within 6m of the highway	Addressed at section 5.6

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority	No objection subject to conditions requiring a surface water drainage scheme, maintenance arrangements and maintenance logs for the scheme.	Addressed at section 5.11
Anglian Water	No comment	Noted
Education	No response received.	Noted. The development due to the number of dwellings proposed would not be required to provide an education contribution.
NHS	<p>Proposal is likely to have an impact on the services of the surgery that operates within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development and cumulative development in the area.</p> <p>Development would likely impact on the NHS funding programme for the delivery of primary healthcare provision within this area and the health catchment of the development. These impacts should be fully assessed and mitigated.</p> <p>The development would generate approximately 40 new residents and increase demand on existing constrained services.</p> <p>The Tollesbury Practice is already below the recognised standards of provision for the existing population. The additional population growth would add to the deficit and would be unsustainable if mitigated.</p>	Addressed at section 5.11

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	The capital required to create additional floorspace arising from the proposal is £8,100. This should be secured through a S106 agreement.	
Essex and Suffolk Water	No response received at the time of writing this report	Noted. However, as part of the previous application the consultee advised that they have no apparatus in the area and so raise no objection. This remains applicable to this scheme.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions requiring a Construction Management Plan, a foul drainage scheme, and a remediation scheme	The application has been supported by a Construction Method Statement which can be secured by a condition. Drainage and contamination are addressed at section 5.11 above. A foul drainage condition should be included on any grant of permission.
Strategic Housing	It has been confirmed that the scheme was not viable to provide Affordable Housing	Addressed at section 5.3
Ecology	The mitigation measures identified in the Preliminary Ecological Appraisal should be secured by a condition and implemented in full. Reasonable biodiversity enhancements are supported to secure net gains Impacts will be minimised such that the proposal is acceptable. Conditions requiring a Biodiversity Enhancement	Addressed at section 5.9

Name of Internal Consultee	Comment	Officer Response
	Strategy and mitigation and enhancement measures in accordance with the Ecological Appraisal.	
Conservation Officer	No objection – the proposal will have no impact on the setting or significance of any nearby designated heritage assets.	Noted

7.4 Representations received from Interested Parties

7.4.1 10 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
<ul style="list-style-type: none"> • Overdevelopment • Increase in traffic • Lack of affordable housing • Lack of space for EV charging points • Lack of parking • Increase in rubbish • Neighbouring impacts due to siting of bin collection area such as noise and odour. Bins should be collected from outside the properties. • Impacts on infrastructure • Foul drainage concerns • Flats are out of keeping with the character of the area. • Site is not appropriate for large, detached properties 	<ul style="list-style-type: none"> • Addressed at section 5.4 • Addressed at section 5.6 • Addressed at section 5.3 • Addressed at section 5.4 • Suitable provision for waste collection has been included • Addressed at section 5.5 • Necessary contributions to infrastructure have been sought where necessary and relevant to the development. • Addressed at section 5.11 • Addressed at section 5.4 • Addressed at section 5.2

8. RECOMMENDATION

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- £8,100 healthcare contribution
- £2,664.92 RAMS contribution

9. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings:
 - 260 REV P2
 - 255 REV P2
 - 254 REV P2

- 253 REV P3
- 252 REV P3
- 251 REV P2
- 258 REV P2
- 257 REV P2
- 256 REV P2
- 250 REV P4
- 270 Rev P1

3 Prior to their use in the development hereby approved, details and photographs or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON In the interests of protecting the rural character of the area in accordance with Policies S8 and D1 of the LDP.

4 The development shall be implemented in accordance with the dwelling mix hereby approved, which is as follows:

Open market houses:

- 2 no. one-bedroom dwellings
- 6 no. two-bedroom dwellings
- 9 no. three-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 H1 of the approved Maldon District Development Local Plan and the guidance contained in the National Planning policy Framework.

5 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless

otherwise agreed in writing by the local planning authority. 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, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

6. 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 local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

7. No works except demolition 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:

- Limiting discharge rates to 1.15l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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 In the interest of surface water flooding in accordance with Policy D5 of the Maldon District Local Development Plan.

- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To conserve and enhance protected and Priority species in accordance with Policy N2 of the Maldon District Local Development Plan and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON To enhance protected and Priority species & habitats species in accordance with Policy N2 of the Maldon District Local Development Plan and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.

REASON To improve broadband coverage in rural areas in accordance with Policies S1 and S7 of the Maldon District Local Development Plan.

- 11 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon District Local Development Plan.

13 Prior to any works above ground level details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. 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 Maldon District Local Development Plan

14 The remediation scheme, as set out within the Remediation Method Statement report No 2781/Rpt 2v2 by Brown2Green dated April 2022, 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 Local Planning Authority. The Local Planning Authority 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 Local Planning Authority 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 prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

15 The development shall be carried out in accordance with the Construction Phase Method Statement 62 New Road Tollesbury CM9 8RE (April 2022) throughout the construction period.

REASON: In the interests of neighbouring amenity and highway safety in accordance with Policies S1, T1, T2 and H4 of the Maldon District Local Development Plan.

16 Prior to the occupation of the development hereby approved, at least one electric charging point per dwelling shall be provided for vehicles and electric bicycles and shall be retained thereafter.

REASON In order to promote sustainable travel and reduce carbon emissions in accordance with Policy D2 of the Local Development Plan.

17 Prior to the first occupation of the development, the vehicle parking and turning areas, as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. Each dwelling will be provided with the required number of vehicle parking spaces as set out within the Maldon District Vehicle Parking Standards. The parking and turning areas shall be retained as such for the life of the development.

- REASON: To ensure that vehicle parking is in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 18 The bicycle parking facilities to serve Plots 5-12 as shown on the approved plan 255 Rev P2 which is attached to and forms part of this permission shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.
- Cycle parking shall be provided for Plots 1-4 and Plots 13-17 prior to the occupation of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
- REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- REASON To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policies S1 and T2 of the Maldon District Local Development Plan.
- 20 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling. The 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 Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 21 Prior to the first occupation of the development the access arrangements as indicated on the approved plans shall be fully implemented and retained as such for the life of the development.
- REASON To ensure that appropriate and safe access is provided in accordance with Policies S1 and T2 of the approved Maldon District Local Development Plan
- 22 Prior to the first occupation of the dwellings hereby approved, a scheme for waste management shall be submitted to and approved in writing by the Local Planning Authority.
- 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 Maldon District Local Development Plan and the provision and guidance as contained within the Maldon District Design Guide.
- 23 Prior to the first occupation of the development any redundant dropped kerb crossings shall be fully reinstated with full height kerbing and footway construction as necessary
- 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 and in accordance with Policies S1 and T2 of the Maldon District Local Development Plan.
- 24 Prior to the first occupation of the building hereby permitted, the first floor window(s) in the eastern elevation of Plots 13, 15 and 17 and western elevation of Plots 14 and 16 shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- REASON To prevent overlooking in accordance with Policies S1 and H4 of the Maldon District Local Development Plan.