

CIRCULATED PRIOR
TO THE MEETING



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

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

MEMBERS' UPDATE

AGENDA ITEM NO. 5

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

3. SUMMARY

3.2 Conclusion (Pages 17-18)

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 **maintaining** the 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 as well as Policies S1, S8, D1, H4 and T2 contained within the Maldon District Local Development Plan.

5 MAIN CONSIDERATIONS

5.1 Principle of Development (Pages 19-21)

5.1.3 ~~Work has recently been carried out by the Council in reviewing the suitability of the 5 Year Housing Land Supply methodology through its 5 Year Housing Land Supply Working Group established in August 2022. The work has now assessed the current 5YHLS figure as 6.35 years. At its Statutory Annual Committee Meeting on the 18th May 2023 the Council subsequently confirmed that the official 5YHLS for the Maldon District now stands at 6.35 years, updating the previous official position for 2021/2022 of 3.66 years that is quoted in published Area Committee Reports. This means that the Council presumption in favour of sustainable development position against Paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the National Planning Policy Framework, and the local plan), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.~~

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Page 20 – paragraph 5.1.10

5.1.10 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 are now in a position where they cannot demonstrate a five-year supply of housing and therefore the public benefits of a residential scheme are now greater than they were under the previous application.~~ Therefore, **although the Council is now able to demonstrate a 5YHLS, it still stands that the proposed residential use would be of a greater benefit to the local community and the character of the area than the previous employment use. As such,** there is no objection in relation to the loss of employment. This stance was also taken in the determination of the previous 2021 application.

5.3 Affordable Housing (Pages 23 - 24)

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 five-year housing land supply position stands at ~~3.66 years and as such there is a demand for the development.~~ **6.35 years and as such there is not an immediate demand for the development.** However, the proposal would make an effective use of land and would make efficient use of Previously Developed Land. In order to maintain the 5YHLS the Council should be looking to support residential developments in the most sustainable locations and on those sites, which cause the least environmental harm, making use of brownfield land where possible. 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 are clear benefits arising from the scheme, which given the location of the site and the proposed use being more sympathetic to the previous employment use, are considered to outweigh the fact that no affordable housing would be provided.** ~~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.

5.11 Other Material Considerations

External Lighting (Page 32)

~~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.~~

5.11.6 Limited information in relation to the external illumination of the site has been provided. However, the Local Highway Authority have not raised any concerns in relation to streetlighting and it is noted that there is sufficient street lighting around the site, particularly on Thurstable Road. Furthermore, condition 5 requires details of minor artefacts which includes lighting and as such if any lighting is required within the access road to serve Plots 5-12, this can be agreed by way of a condition.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGE 37)

7.4 Representations from Interested Parties

7.4.1 A further five letters objecting to the application have been received, resulting in a total of **fifteen** letters of objection. The additional letters received do not raise any new material considerations that have not already been considered under section 7.4 of the Officers report or within its main body of assessment.