



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
12 AUGUST 2026**

Application Number	26/00314/FUL
Location	69 East Street, Tollesbury
Proposal	Prior approval for change of use from Commercial, Business and Service (Use Class E) to single four bed house (use class C3).
Applicant	Coates
Agent	Studio EK Architects -EK Architects
Target Decision Date	13 August 2026
Case Officer	Elizabeth Beighton
Parish	Tollesbury
Reason for Referral to the Committee / Council	Director of Place, Planning and Growth Call In

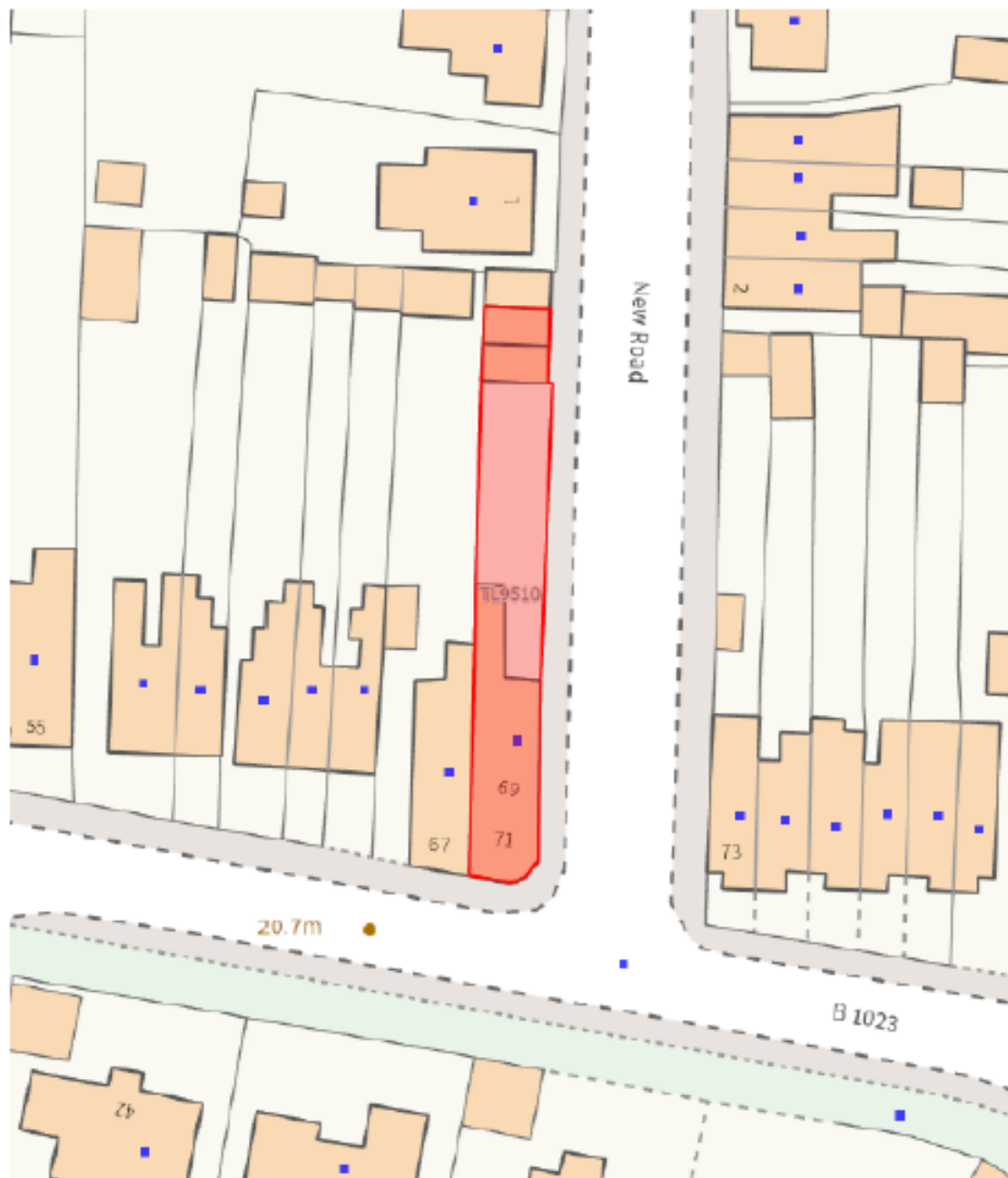
1. RECOMMENDATION

APPROVE subject to the conditions detailed in Section 8 of this report.

2. SITE MAP

Please see below.

26/00314/FUL – 69 East Street – Tollesbury – CM9 8QE





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3. SUMMARY

3.1 Site Description

- 3.1.1 The application site comprises a semi-detached property at the junction of East Road and New Road. The property was formally an office and is currently vacant. The site is in a predominantly residential area.
- 3.1.2 The property benefits from a large rear garden and two garages, which access onto New Road.
- 3.1.3 The site is not located within any area of special designation, either landscape, ecology or heritage and is not within a Conservation Area.
- 3.1.4 No changes to the external appearance of the property are proposed.

3.2 The Proposal

- 3.2.1 The application site comprises an existing semi-detached building currently in office use, which was formerly a residential dwelling (Class C3) and sits at the junction of New Road and East Street (B1023). The property does not benefit from any on plot parking, but there are no parking restrictions in either New Road or East Street.
- 3.2.2 The building's existing use is an office, it has been vacant for some time, and it is understood that the building was built as a residential dwelling.
- 3.2.3 The site is located within the settlement of Tollesbury and is characterised by:
 - Predominantly residential dwellings
 - Properties of similar domestic scale and appearance
- 3.2.4 This application seeks full planning permission for the change of use from a single dwellinghouse (Class C3) to a children's care home (Class C2). It would facilitate the provision of residential accommodation for three children aged between 7 and 17 in a family-style setting.
- 3.2.5 The intention is to establish a high-quality children's residential home providing care and support for young people with Emotional and Behavioural Difficulties (EBD) and other complex needs. The applicant advises that they are committed to delivering safe, nurturing, and structured environments for children and young people who require specialist residential care. The model focuses on therapeutic support, stability, and positive outcomes, helping young people develop essential life skills and emotional resilience.
- 3.2.6 The applicant has confirmed that care would be given by a team operating on a rotating shift pattern, including the Registered Manager, with a maximum of four members of staff.
- 3.2.7 The applicant already operates a two-bedroom children's home in close proximity in Tollesbury, which has been inspected by Ofsted and was rated "Good" in all areas. No complaints have been recorded with the Council's Environmental Health Team with regards to any statutory noise nuisance.
- 3.2.8 It will also support operational efficiency, staff collaboration, and continuity of care, ensuring consistency in service delivery across both homes. Furthermore, the applicant is committed to working closely with Essex County Council (ECC), who

have expressed interest in the applicant's services should the home be established within Essex. The Applicant believe this partnership will strengthen local placement options, reduce the need for out-of-area placements, and contribute positively to the local authority's sufficiency strategy.

3.2.9 No external alterations are proposed to the property.

3.2.10 The building currently has five offices, an office/reception and kitchen across two floors and is currently vacant. The proposed plans show a living room, dining room and kitchen at ground floor level with four bedrooms at first floor level.

3.3 Conclusion

3.3.1 The proposal seeks permission for the change of use from a single dwellinghouse (Use Class C3) to a children's care home (Use Class C2). It is considered acceptable in terms of character and appearance, residential amenity and parking/highways considerations. It complies with the relevant policies within the Local Plan and supplementary documents and is accordingly recommended for approval, subject to the imposition of appropriate conditions.

3.3.2 The application has been referred to the North Western Area Planning Committee by the Director of Place, Planning and Growth due to the significant public interest. A large number of the objections received do not raise material planning considerations. The proposal would meet a need for specialist accommodation for which there is a critical national need for children's residential care. No changes are proposed to the exterior

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 85-87 Building a strong, competitive economy
- 96-102 Promoting healthy and safe communities
- 109-114 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- H2 Housing mix
- H3 Accommodation for 'Specialist' Needs

- T1 Sustainable Transport

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020)
- Mayland Neighbourhood Development Plan

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 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 Local Development Plan (LDP).
- 5.1.2 Policy S1 of the LDP states that *“When considering development proposals the Council will take a positive Policy S1 of the LDP states that ‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy.*
- 5.1.3 The main issues associated with the proposed development are as follows:
- the principle of the development;
 - the impact on the character and appearance of the area;
 - the impact on the amenity of the occupiers of neighbouring residential properties; and
 - loss of employment.
- 5.1.4 Although of a different Use Class to a C3 dwelling house, the proposed children's home would still provide a residential function, albeit the children would likely be unrelated and receive care/support from adults who are not their parents. As the proposed change of use would see one form of housing substituted for another (remaining under Use Class C), it is thus considered consistent with policy. Reversion back to a family home in the future should circumstances change is not precluded and would not appear unduly onerous.
- 5.1.5 The NPPF requires local planning authorities to take account of wider social objectives, including the provision of facilities that meet community needs. Paragraphs relating to sustainable communities and social infrastructure emphasise that planning decisions should support strong, healthy, and inclusive communities. In this regard, children's care homes are considered essential infrastructure for safeguarding and supporting vulnerable young people, providing a stable, supportive environment that meets their needs and enables them to achieve their potential.
- 5.1.6 In summary, while the loss of a family dwellinghouse is unfortunate, the proposal delivers a facility that addresses a critical national need for children's residential care - a material consideration of significant weight under the NPPF. This wider social

benefit may, in certain circumstances, justify a departure from strict adherence to local housing retention policies, provided that appropriate mitigation measures are secured.

- 5.1.7 To mitigate the long-term impact of losing a family-sized dwellinghouse, it is recommended that a condition be imposed requiring the property to revert back to Class C3 residential use once the Class C2 care home use ceases. This approach ensures that the property can return to its original purpose, safeguarding housing stock and aligning with policy H2 of the Local Plan.
- 5.1.8 Overall, there is no in principle objection to the proposed change of use, which accords with policy, subject to detailed assessment of other planning policies and considerations.

5.2 Character and Appearance

- 5.2.1 Policy D1 of the Local Plan requires a high standard of urban and architectural design for all development and must meet the criteria set out within the policy. This requires development to demonstrate design rationale; provide local distinctiveness; respond to scale, height, massing and architectural details; provide legibility; provide a logical and legible layout, form inclusive development; provide flexibility and create a safe and secure environment.
- 5.2.2 Concerns have been raised by residents that the proposed C2 use would be uncharacteristic of the surrounding area. Although of a different Use Class to a C3 dwelling house, the proposed children's home would still provide a residential purpose, albeit the children would likely be unrelated and receive care/support from adults who are not their parents.
- 5.2.3 While the C2 accommodation would be operated differently to that of a normal family dwelling, the information provided indicates that the use would not be so significantly different from the existing use to have a material detrimental effect on the character of the area. Journeys undertaken for educational, healthcare and other purposes, are unlikely to be significantly more than those undertaken by a family and are not considered to be of an intensity to comprise a material change in the character of the site or area.
- 5.2.4 With no external alterations proposed, the property would also not be readily distinguishable as a children's home within the street scene.
- 5.2.5 There are no proposed external alterations to the property. As such, the proposed change of use would not give rise to additional impact in terms of loss of light or overlooking to immediately adjoining properties.

5.3 Impact on Residential Amenity

- 5.3.1 The application, however, has led to objections from residents with concerns relating to the potential for anti-social behaviour. The issue has been raised due to the proposed housing of vulnerable children who may suffer from behavioural difficulties that are related to deprivation or adverse childhood experiences.
- 5.3.2 While all issues raised are noted within the determination of a planning application, there can only be great weight attached to those 'material considerations' that relate to town planning matters. The strength of feeling from the residents in respect of this proposal is fully understood however, issues such as perceived behavioural matters, vulnerable tenants, anti-social behaviour, substance abuse or several similar uses

within the area are not recognised as material considerations in planning law. These are controlled by other bodies, such as Ofsted, the Police and other bodies of Maldon District Council. Furthermore, crime and disorder are not an inevitable consequence of a children's care home, but rather a question of individual behaviour and appropriate management.

5.3.3 Although beyond the scope of this application for planning permission and covered by separate legislation requirements, the home would be monitored through Ofsted and Essex County Council regulations. The applicant would be required to follow specific guidance and legislation to ensure the day to day running of the home and legislative requirements are fulfilled - this includes all areas of health and safety for the individuals, staff and environment both internally and externally. This would be demonstrated through rigorous and on-going risk assessment, monitoring, regular audit and local delegation procedures overseen by the organisations monitoring tools. These processes would also allow any potential threats or risks to the home or wider environment to be captured at an early stage, enabling appropriate mitigation measures to be implemented.

5.3.4 The application is seeking to change the existing use from C3 (Dwellinghouse) to C2 (Children's Care Home. Use class C3(b) is defined within Class C3. "Dwellinghouses" in the Schedule to the Town and Country Planning (Use Classes) Order 1987. Classes C3(a) and (b) are set out as follows:

"Use as a dwellinghouse (whether or not as a sole or main residence) –

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents) ..."

5.3.5 A children's care home, therefore, could fall within the existing Use Class C3(b) (Dwellinghouses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. The definition within Class 3(b) does not refer to 'personal care' and parents provide care for their own children as a household, this is the same function as a shift care worker. Depending on occupancy and level of care staff employed, an application for the change of use from C3 dwellinghouse to C2 Children's Care Home could be considered permitted development.

5.3.6 Permitted development however, under Use Class 3(b) provision has given rise to debate in case law, particularly where carers do not permanently live at the premises but operate on a shift basis. The consensus is that constantly changing supervising adults cannot be considered part of a household. For a household to be created there would need to be at least one permanent adult living on the premises with the children. Whilst care homes in general are of a similar function to a dwelling house, the additional activity of shift changing and cars may also provide a material change of use.

5.3.7 In the case between North Devon District Council v The First Secretary of State (2004), it was held that where the carers did not live permanently within the premises, the occupants would not be living together as a single household and consequently would not fall within Class C3. The main issue, however, was whether the lack of any carers 'living' within the property materially changed the character of the property as a dwellinghouse. It was the Inspector's opinion that it did not. Although when carers visiting the site would increase activity, this would not disturb residents or affect the character of the area. Additionally, although residents were fearful about the children committing anti-social acts or increasing crime levels, the Inspector decided that it was not inherent in the character of a children's care home

that the proposed use of the property would have an adverse impact upon the local community and welfare services. Consequently, this was not a factor which would materially alter its basic character as a dwellinghouse. The children would be supervised and must obey a set of written rules but in his view, it was not uncommon for a family to have its own set of unwritten rules.

- 5.3.8 In summary, there is debate within different examples of case law on whether small scale children care homes should be considered as a C2 or C3 Use Class, however, there is a consistent judgement, including a decision from the Secretary of State, that care homes for a small number of children would not have a material change to the character and function of a dwellinghouse.
- 5.3.9 Based on identified case law, there should not be significant weight afforded to the fear and perception of anti-social behaviour, without any evidence. The scheme would provide supervised valuable living accommodation for a vulnerable needs group that require support and have the right to live in safe conditions to improve their welfare and future upbringing.
- 5.3.10 This application has been considered in consultation with Maldon District Council's Environmental Health team, who raise no objections to the proposed change of use. Should the application be approved, it is therefore recommended that conditions be attached requiring the applicant to submit a scheme to ensure that the internal noise levels would meet the guideline values' specified within BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' are adhered to, in addition to a Noise Management Plan (NMP) prior to its first use.
- 5.3.11 Furthermore, staff would be assigned regular hours and shifts patterns, helping to regularise comings and goings to the site. In the interests of further maintaining the amenities of neighbouring properties, it is also recommended that a condition be placed on any grant of consent to restrict the number and ages of children who reside at the property.
- 5.3.12 Reference is drawn to an as decision in Harlow where the Inspector dealt with this issue by stating:

Appeal decision 6008476 – 241 Fold Croft Harlow

The proposal represents a loss of a normal family dwelling house, but would deliver a facility that responds to a critical national need for children's residential care. The comings and goings to and from this Home would generally be similar to that of the other houses in the road. In addition, it is likely that the children in care would be visited by their parents and other friends and relatives. I would not expect this to be much different to the number of visits to the other houses in the area. The proposed use should not materially result in a change in the character of the site or the area.

The interested persons who have commented on the proposal are concerned about perceived behavioural matters, vulnerable tenants, antisocial behaviour, substance abuse, etc. These behaviours can occur in any residential neighbourhood, and should be controlled in this case by bodies such as Ofsted, the police and other bodies of Harlow Council. They do not inevitably follow from the presence of a children's care home, and are a matter of individual behaviour and appropriate management. These concerns do not amount to a reason for refusing planning permission, and should not stand in the way of the grant of planning permission.

- 5.3.13 Although this site is within a different local authority, the issues at hand are similar in terms of the concerns on the amenity of existing residents. Therefore the issues can be considered as transferable.

5.4 Highways Considerations

5.4.1 The property currently benefits from a garage within the rear garden of the property. Significant concern has been raised by local residents about the increase in vehicular activity. There are no parking restrictions in place and the previous use as an office would likely have generated more vehicular activity than the proposed use. Similarly, as an existing office use it is likely that residents and visitors would likely generate more activity. There is currently no parking available, as is the case for the existing use and other residential properties and therefore the impact is negligible.

5.4.2 No objection is raised on highway grounds.

5.5 Private Amenity Space and Landscaping

5.5.1 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 District 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 25m² for flats.

5.5.2 The property has a garden of sufficient size to meet the functional requirements of the proposed end users.

5.6 Planning balance

5.6.1 Whilst the application has generated significant local concern, the needs of the proposed use represent a strong material planning consideration. It is considered that the proposed use is acceptable in terms of amenity, character and highways especially when the fall-back position can be explored which could have a greater impact. The benefits of the scheme outweigh the harm.

6. ANY RELEVANT SITE HISTORY FOR THE WHOLE SITE

- **26/00315/PACUCD** - Prior approval for change of use from Commercial, Business and Service (Use Class E) to single four bed house (use class C3).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object • What are the ages of the children the home will provide for? – • What does “secure” accommodation mean? – Does the building meet the required standards,	These issues are covered in the officer assessment

Name of Parish / Town Council	Comment	Officer Response
	and is the location suitable? – If multiple members of staff are required, is the current accommodation sufficient to accommodate both staff members and children?	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection – subject to recommended conditions and informatives.	Noted
Public Right of Way Officer	No objection – subject to recommended informatives.	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection – subject to recommended conditions	Noted

7.4 Site Notice / Advertisement

7.4.1 The application was advertised by way of a site notice posted on 15 May 2026.

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 92 letters of objection have been received raising the following matters:

Objector Comment	Officer Comment
Lack of youth facilities to support young people and the children will become isolated	The location is considered to be sustainable and will meet the needs of any residents.
Limited transport to and from the village to surrounding areas	The property is in a sustainable location
Will alter the character of East Street that is not appropriate for the location.	No external changes are proposed and therefore there will be no change to the character and appearance.
Developers maximising profit over the needs of the village	This is not a material planning consideration.
No need for such a facility in Tollesbury	This is not a material planning consideration

Objector Comment	Officer Comment
The garden is not secure	This is not relevant to the consideration of the application and permitted development rights exist should the operator wish to create a boundary
Building suffers from subsidence which could put residents at risk and damage to the roof	This is not a planning consideration
Loss of wildlife corridors	The proposal does not impact on any wildlife corridor
No details from the Quality Care Commission as to whether the existing care home in close proximity is compliant with the need to support young people with emotional and behavioural difficulties and other complex needs.	The application does not require such details.
Plans do not show presence of air source heat pump, solar panels, battery storage or emergency exits.	The application is for a change of use. It is likely that if the applicant wants to include such it is likely to be permitted development
Existing fencing is not in accordance with policy and the side entrance gate requires significant repair	The fence is existing and therefore outside the scope of this application,
No crime impact statement	This is not a validation requirement and there is nothing to suggest future residents would increase crime levels.
The village already experiences insufficient water pressure	The proposal is a change of use and does not create a new dwelling. The impact on water pressure will be no different that its previous use as either an office or dwelling.
Lack of rental properties for families – loss of family home when there is a housing shortage	The application has to be determined on its own merits, and alternative uses cannot be considered
Existing facility close by has caused significant disruption to adjacent neighbours due to shift changes, noise from within the property and anti-social behaviour.	These issues would be covered by separate legislation either through statutory noise nuisance or police
Building is on a busy road and could pose a hazard to the children	This would be an internal management issue
No parking associated with the property. Insufficient parking which will exacerbate existing problems particularly at staff shift changes	The property has a garage but there are no parking restrictions in the vicinity
No disability access to the property	This is not a requirement and seeks the change of use only
Impact on semi-detached adjacent dwelling and potential of altercations and anti-social behaviour and impact on their quality of life. The residents, especially the children, should be safeguarded and not cause distress.	A management plan is proposed by condition and all-day care will be provided. If a statutory noise issue occurs that would be controlled by other legislation.
If there is a need should be in a purpose-built care home or within a larger urban area where there are more facilities.	The nature of the care facility and location is considered to be suitable.
Preference would be for such facilities to be within detached buildings	There is nothing to say that a semi-detached property is not suitable.

Objector Comment	Officer Comment
Significant financial burden on the local authority to transport the children	This is not a material planning consideration
Being a rural location likely to have longer wait times and difficulties for children accessing professionals	This is not a material planning consideration
Rural location will make it difficult to recruit staff	This is not a material planning consideration
Increase in traffic from developments in the local area	The application would generate low levels of vehicular activity and with no parking restrictions locally the highway network would be able to absorb any additional traffic.
Proposal provides no assessment of safeguarding for school children	This is not a requirement of this application
A four bedroom HMO (House in Multiple Occupation) constitutes significant intensification to a single family use	The proposal is not for an HMO but a care facility
Increased use associated with an HMO in such proximity to a school raises concerns regarding refuse storage and pest control.	The proposal is not for an HMO but a care facility
Applicant has not demonstrated that the proposal represents a suitable, sustainable or appropriate use of the site. Concern over the availability and response times of emergency vehicles	It is the role of the local planning authority to assess the acceptability of the proposal.
Application does not indicate the age ranges of the three children	It is not necessary to require the ages of children
Plans do not show an emergency access, emergency lighting system or automatic fire suppression system.	The application is not required to provide these details. There may be other requirements they need to satisfy but these fall outside of the scope of the planning system.
EV (Electric Vehicle) charging should be contained within a legal agreement	There is no EV requirement
No details on net zero climate environment or dispersal of surface water	The application is for a change of use and therefore these details are o
Insufficient operational information to assess the impacts	The level of information is sufficient to gauge the impact.
Significant number of visits will have an impact on highway safety	See report
Application is retrospective as a dividing wall has been constructed to separate garden from hardcore and first floor additional windows	A wall can be constructed in the rear garden up to two meters in height without the need for planning permission
No document makes reference to asbestos roof on the garages	Not within the scope of the application
No reference made to SANG (Suitable Alternative Natural Greenspace)	This is not relevant as the proposal is a minor application
No contributions towards the following: - Automatic fire suppression system - Emergency lighting system - RAMS (Recreational disturbance Avoidance and Mitigation Strategy)	The application is a 'minor' application and as such would not trigger the need for contributions

Objector Comment	Officer Comment
• Library services • Travel packs • Health care/ambulance • Dropped kerb crossings • Education requirements and transport • LEAP (Locally Equipped Area for Play) • Restricting asbestos • Secure boundary perimeter	
If hardcore is to be used for off-street parking, parking will not be in accordance with highway regulations	The application is for change of use. If they occupiers wish to use hardcore this would not require permission.
Doorsteps are not the same height	The application is for a change of use
Lack of rental properties – house would be ideal close to services	The application has to be determined on its own merits and alternative uses cannot be considered
Plans do not include mention of requirements that all corridors are free from obstructive hazards and should be included in a legal agreement	This would not be enforceable and therefore a condition to this effect would not meet the legal tests for imposing conditions

8. **PROPOSED CONDITIONS**

CONDITIONS:

- 1 The change of use hereby permitted shall begin before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The use of the premises as a children's home (Class C2) hereby permitted shall cease when the property is no longer required for that purpose, and the property shall revert to its previous use as a single-family dwellinghouse (Class C3) within three months of cessation of the care home use.
REASON: To safeguard local housing stock to meet identified local housing needs, in accordance with policy H2 of the Maldon District Local Plan.
- 3 The children's home hereby permitted shall be occupied by no more than three children at any one time.
REASON: To ensure the occupation of the children's home is in accordance with the details as assessed by the Local Planning Authority and in the interests of the amenity of neighbouring properties and the wider locality.
- 4 Prior to its first use as a children's care home, a scheme to ensure that the internal noise levels would meet the guideline values' specified within BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of protecting neighbouring amenity
- 5 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt as to what has been approved and in the interests of proper planning.